

Exhibit H

Jeffrey Scott Smith Deposition Excerpts

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OTHER APPEARANCES

Holly Smith

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1 A. It was emailed to me -- I could not -- I
2 can't tell you the exact date that I received it.
3 I'm sure it was soon after it was drafted here.
4 Q. Were you aware prior to receiving the
5 document that we planned to take your deposition
6 in this case?
7 A. My attorney called me ---
8 MR. BRIAN: Objection. Don't --
9 don't tell them what your attorney told you.
10 THE WITNESS: Okay. I don't know
11 if it was prior to seeing this document or after
12 it was emailed or what have you, but I was
13 notified verbally that this document was coming or
14 existed, that I was going to have my deposition
15 taken.
16 Q. (Mr. Spaugh) And what did you do to
17 prepare for the deposition from the time that you
18 first received notice?
19 A. I prepared for it by re-reading a lot of
20 materials that has been put out as exhibits,
21 reviewing the depositions that we've already taken
22 related to this case. I had some, you know,
23 conversations with the attorneys on some questions
24 I had.
25 Q. How many conversations with your

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1 attorneys did you have?
2 A. I would be speculating if I told you how
3 many I -- several.
4 Q. Strictly for preparation of the
5 deposition, would it be more or less than five?
6 A. Strictly for the deposition, less than
7 five.
8 Q. Were any of those in person?
9 A. Yes.
10 Q. Do you know how many of those were in
11 person?
12 A. One.
13 Q. When was that?
14 A. Yesterday afternoon.
15 Q. How long?
16 A. Probably an hour and a half, two hours
17 maybe.
18 Q. Okay. Who was present for that
19 conversation?
20 A. Mr. Brian and Mr. Anthony.
21 Q. Did you relay to anyone the contents of
22 that conversation?
23 A. No.
24 Q. Was that meeting here in this office?
25 A. Right here. Actually -- no, you weren't

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1 there. Holly and I probably talked about it some,
2 you know, after we got back to the -- we -- we
3 stayed her last night at a hotel room, so...
4 Q. What did you -- what did you share with
5 Holly?
6 MR. BRIAN: Objection. I instruct
7 you not to answer. Attorney/client privilege and
8 husband/wife privilege. Attorney/client
9 privilege, believe marital privilege only applies
10 in criminal matters. I've instructed him not to
11 answer.
12 MR. SPAUGH: Okay. And is it your
13 contention that Ms. Smith is a part to this
14 lawsuit?
15 MR. BRIAN: My contention is that
16 Mrs. Smith is a client since she's part of the
17 team, so I suppose it would be work product as
18 well.
19 Q. (Mr. Spaugh) Did you review any videos
20 to prepare for the deposition?
21 A. I've reviewed videos from the beginning
22 of this whole process, yes.
23 Q. What -- what would those videos be?
24 A. They would be the videos that were
25 provided to you guys. If you want to label them

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1 and -- I mean, they were -- they were probably
2 four or five maybe videos that you guys -- maybe
3 less, maybe three -- somewhere between three and
4 five videos that were given to you guys and those
5 have been reviewed over the last month and a half.
6 Yeah. That was part of it -- part of what we've
7 given you guys.
8 Q. What was depicted in those videos, just
9 generally?
10 A. You'll have to -- you'll have to get
11 more -- more specific on which video you're
12 referring to.
13 Q. Okay. Well, you said there were four to
14 five videos. Can you just tell me what each of
15 them have or what --
16 A. There's one video that -- that shows --
17 regarding a -- some cut coaxial cable from a Time
18 Warner cable box that was left at the scene.
19 There was a short video showing where -- showing
20 the box, showing the cable cut, showing where it
21 was at. There was another video that shows me
22 walking around the outside perimeter and -- those
23 are the two main videos. You'll have to -- if
24 there's any other ones, I'll have to -- for me to
25 give a description for you I'll have to see it and

<p style="text-align: right;">Page 14</p> <p>1 I'll give you the description.</p> <p>2 Q. Were there any other videos other than</p> <p>3 those two video that you reviewed to prepare for</p> <p>4 today?</p> <p>5 A. All the videos that I'm aware of you</p> <p>6 guys have been provided, so if you want to see how</p> <p>7 many there were, I can probably -- I can find out.</p> <p>8 I can pull them up on the laptop, but I -- I don't</p> <p>9 want to give you an exact -- I don't know if it</p> <p>10 was three, four or five because ---</p> <p>11 Q. I'm not trying to pin you down to a</p> <p>12 number. I was just generally asking.</p> <p>13 A. Yeah.</p> <p>14 Q. Okay.</p> <p>15 A. So I know that all the videos that I</p> <p>16 would have -- that I would have reviewed were</p> <p>17 videos that were presented to you guys. There's</p> <p>18 actually one -- one video that you guys have</p> <p>19 not -- that you will be getting, but it was a</p> <p>20 video that was created from a security tape.</p> <p>21 Q. Can you tell me what that video shows</p> <p>22 generally? Can you describe it?</p> <p>23 A. That video shows the first -- I think it</p> <p>24 was 15 minutes of the initial entry into the</p> <p>25 building.</p>	<p style="text-align: right;">Page 16</p> <p>1 search warrant, either way it works, as long as we</p> <p>2 both understand each other.</p> <p>3 So there was alleged misconduct,</p> <p>4 destruction of property, which is why we're here</p> <p>5 today, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. Okay. Did you see anything that</p> <p>8 concerned you during that video, that first 15</p> <p>9 minutes that relates to that?</p> <p>10 A. It was apparent that -- and it was David</p> <p>11 Borreson, I will say, that -- that came in and did</p> <p>12 this. It was apparent that they wanted to remove</p> <p>13 the cameras, and I think this was prior to them</p> <p>14 finding where the DVR was located. They wanted to</p> <p>15 remove all camera footage until they could figure</p> <p>16 out where the DVR was at.</p> <p>17 And so -- so he removed -- he actually</p> <p>18 took the cover off one for the cameras and turned</p> <p>19 it up to the ceiling. He removed -- and other</p> <p>20 cameras are catching him as he's doing this, so I</p> <p>21 guess he thinks he's not being covered because the</p> <p>22 camera angles cover other areas of the building.</p> <p>23 And so it clearly shows him removing one camera</p> <p>24 and then as he goes up to the other one, it shows</p> <p>25 his hand on it and he's moving it up and moving it</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Were there any -- the alleged misconduct</p> <p>2 occurring during that first 15 minutes you saw in</p> <p>3 the video?</p> <p>4 MR. BRIAN: Object to the form of</p> <p>5 the question. Could you be more specific about</p> <p>6 what ---</p> <p>7 MR. SPAUGH: No, because the</p> <p>8 alleged misconduct is in allegations in the</p> <p>9 complaint.</p> <p>10 Q. (Mr. Spaugh) Did you review the</p> <p>11 complaint prior to today's deposition?</p> <p>12 A. Yes.</p> <p>13 Q. So you're familiar with the conduct of</p> <p>14 the sheriff's office in particular, which are my</p> <p>15 clients and what's been alleged in terms of their</p> <p>16 actions during the execution of this search</p> <p>17 warrant. And just for the record, to be clear,</p> <p>18 when I talk about execution of the search warrant,</p> <p>19 raid, whatever, you understand that as being May</p> <p>20 29th, 2015 in big and little Aladdin in Dublin,</p> <p>21 North Carolina, is that correct?</p> <p>22 A. Yes. I -- for sake of simplicity, if</p> <p>23 you just want to call it the raid? That's what I</p> <p>24 call it. We'll be on the same page.</p> <p>25 Q. I'll probably call it execution of</p>	<p style="text-align: right;">Page 17</p> <p>1 around. And then he takes the cover off of it and</p> <p>2 -- at any rate.</p> <p>3 So it was clear that they wanted to</p> <p>4 conceal what they were doing before locating the</p> <p>5 DVR.</p> <p>6 Q. And that was David Borreson you reported</p> <p>7 or testified who was the one moving the cameras?</p> <p>8 A. That's correct. David Borreson</p> <p>9 initially came into the building. It shows him</p> <p>10 coming in and then he gets on a cell phone and</p> <p>11 that's where he's making the call, I guess, to the</p> <p>12 other folks who are at the meeting location.</p> <p>13 He goes over to a couple of customers</p> <p>14 that were in the building, informs them of</p> <p>15 something. They get up from where they're at and</p> <p>16 -- and I'm not sure where they get -- I think they</p> <p>17 get taken into the middle room or something like</p> <p>18 that. I'd have to look back at the video.</p> <p>19 Q. Was there any audio?</p> <p>20 A. There's no audio of that, no. He</p> <p>21 then -- curiously, after he's there he's got a</p> <p>22 very identifiable attire that he's wearing -- just</p> <p>23 very identifiable attire, so he then -- he then</p> <p>24 proceeds to go out to his vehicle and he comes</p> <p>25 back in the -- in the building with a mask on -- a</p>

1 full mask over his head. I'm not sure what the
2 purpose was of that, but like I said, you guys
3 will have a copy of this video.

4 And then that -- he, you know, he --
5 like I said, he proceeded to -- that's -- with the
6 mask on is when he proceeded to -- to remove
7 the -- the two cameras or disengage the two
8 cameras that I'm referring to.

9 Q. Did you see, or is there anyone on this
10 video from the Bladen County Sheriff's office,
11 direct David Borreson to do those actions?

12 A. Well, again, there's no audio, so I
13 can't -- I can't speak to what was being said. I
14 do know that all of the officers -- there were
15 several officers that came in in the first ten
16 minutes and the conversations I can't speak of
17 that because there was no audio.

18 Q. So back to just generally this lawsuit
19 and the actions you've taken since it's been
20 filed, have you communicated with anyone other
21 than your attorneys or apparently Ms. Smith, based
22 off your counsel's objection, about the -- your
23 claims in this lawsuit?

24 A. I may have had some conversations with
25 various people in the past that's -- you've got to

1 understand, after this -- after this happened, I
2 live in a small town, so I have been very -- and
3 still am -- upset regarding the way that this
4 happened, the damage that was done, all the things
5 surrounding it, so I've had conversations with
6 various people. I'm not going to sit here and try
7 to give you a list of all of them because I would
8 be speculating if I did. But in and around town,
9 there -- there are plenty of people that are aware
10 that -- that I have filed a lawsuit against the
11 county.

12 I also think that -- that it was
13 publicized in a local paper. So due to that fact,
14 I get questioned about it often when I'm out
15 grocery shopping or whatever, you know, because it
16 was published in some form of media. It might
17 have been on Bladen Online or what have you, but
18 anyhow, it's just not -- it's -- it's a common
19 knowledge thing that I have a lawsuit due to the
20 destruction of the property.

21 Q. Do you have any written communications
22 with individuals about this lawsuit, other than
23 the people in this room

24 A. Not that I recall.

25 Q. Do you have social media accounts?

1 A. I do, actually. I have a Facebook
2 account. I got a Twitter account, but I swear I
3 have not gone to it in a long time. I don't know
4 if I've -- and that would be the extent of it.

5 Q. Do you know your Twitter user name?

6 A. It's been a long time. I would be
7 speculating if I gave it exactly to you. I log
8 into it with my email address, which you guys have
9 that as well. I'm pretty sure that's how I log
10 into it. So I just haven't logged into it in
11 probably over a year or better.

12 Q. Have you ever used your Facebook or
13 Twitter accounts to discuss this case?

14 A. Not -- not -- not that I recall at all.

15 Q. What about to discuss Sheriff McVicker
16 or Travis Deaver?

17 A. Not on Facebook. I'm a -- I'm a very --
18 I'm a reader, not a poster, if that makes sense.
19 If I have I don't recall it and I certainly ain't
20 aware of it and -- that's just not my style.

21 Q. Have you ever been convicted of a crime?

22 A. No -- well, seat belt ticket. Is that a
23 crime? I'm just cov -- trying to cover my bases
24 here. So...

25 Q. I appreciate it. Have you ever been

1 arrested?

2 A. Yes.

3 Q. Okay. And again, I'm sorry for some of
4 the obvious questions that are being asked. It's
5 just part of how this process works. Can you
6 detail for me, from most recent to oldest, the
7 arrests that you've had?

8 A. Let's see. Is this specific to -- in
9 North Carolina?

10 Q. Any criminal arrests.

11 A. Okay. So I think the last arrest that I
12 was arrested for and I -- all charges were what
13 they call nolle prossed and have seen been -- I
14 haven't heard anything from it since. It was in a
15 business that I owned in Virginia. And there was
16 a -- a raid in that business. All the equipment
17 was seized similar to what we have here. All the
18 charges were nolle prossed. I was given the
19 equipment back and was given the okay to reopen
20 the business and it's currently reopened.

21 Q. What is the name for that business?

22 A. The name of that business is Crazie
23 Overstock Portsmouth.

24 Q. And what is your relation at that
25 business? What is your role in that business?

1 A. I really don't remember the details. I
 2 just -- seems like I remember getting a -- maybe
 3 it was a warning or how -- it's just some sort of
 4 traffic stop.
 5 Q. When was your next interaction with
 6 Sheriff McVicker?
 7 A. My next interaction personally with him
 8 would have been on September the 20th, 2014.
 9 Q. On September 20th, 2014, was Sheriff
 10 McVicker the Sheriff of Bladen County?
 11 A. No.
 12 Q. Had you ever had any contact or
 13 interaction with Travis Deaver prior to September
 14 20th, 2014?
 15 A. No.
 16 Q. Were you even aware who Travis Deaver
 17 was?
 18 A. I think I have seen him around
 19 Elizabethtown in uniform.
 20 Q. So turn to September 20th, 2014 -- can
 21 you hand me that document? Can you tell me a
 22 little bit about that interaction and how it came
 23 about? Well, start from the beginning. How did
 24 you come to ---
 25 A. With Travis Deaver?

1 Q. No. With Sheriff McVicker on September
 2 22, 2014. How did you come to meet with Sheriff
 3 McVicker?
 4 A. I came to meet with him through a
 5 meeting that was set up. He was running a
 6 campaign to become sheriff at that time and there
 7 was a meeting set up by his campaign manager for
 8 me to meet with him.
 9 Q. When did you -- who was his campaign
 10 manager?
 11 A. Landon Bordeaux.
 12 Q. Did you know Landon Bordeaux prior to
 13 September 2014?
 14 A. Yes.
 15 Q. In what capacity?
 16 A. We live in a small county with small --
 17 you know, everybody knows everybody. I've known
 18 his family -- his brother and I are -- were -- I
 19 won't say best friends, but pretty close to it,
 20 during -- his brother and I are the same age. We
 21 graduated high school together. I used to do
 22 sleep overs at each other's house. Landon's
 23 probably three, four years younger than -- than
 24 his brother, but I've known his mom and dad as far
 25 back as I can remember in kindergarten and first

1 grade when I started going to school with his
 2 brother.
 3 Q. What does Landon do currently?
 4 A. He is an insurance salesman.
 5 Q. I guess he also dabbles in politics if
 6 he is a campaign manager?
 7 A. Apparently, he was in this -- yeah. He
 8 was -- he was, I guess, tapped to be the campaign
 9 manager.
 10 Q. And do you have any experience with
 11 politics?
 12 A. Yeah, somewhat.
 13 Q. Can you tell me about that?
 14 A. My experience with politics, there's --
 15 in different -- you need to get more specific.
 16 There's ---
 17 Q. Have you ever run for office?
 18 A. Yes.
 19 Q. Can you tell me about that?
 20 A. I ran for office -- I think the first
 21 year was 2001. I ran for Town Commissioner of the
 22 town I live in, which is the Town of Dublin. And
 23 I think I lost that election 18 to 16.
 24 And then I subsequently -- I re -- I ran
 25 again in 2005 -- don't hold me to these dates, but

1 just from my memory recollection -- 2005 was the
 2 second time that I ran for that same seat and --
 3 and I was successful in that election. And I've
 4 been re-elected two more terms -- four year terms.
 5 Q. Did you have any opponents in your
 6 subsequent elections?
 7 A. The last election I did, yes.
 8 Q. Did your and Mr. Bordeaux's paths cross
 9 at all during your experience in politics from
 10 2001 on, other than this incident, which we're
 11 about to discuss?
 12 MR. BRIAN: Object to form. You
 13 can answer.
 14 THE WITNESS: As it relates to my
 15 office or town commissioner office, no. I've had
 16 no interaction with Landon Bordeaux.
 17 Q. (Mr. Spough) Like campaigns?
 18 A. Campaigns. Let me be clear on -- on --
 19 on something, too, because -- and maybe we can
 20 save some questions later on. I did not have to
 21 nor did I run a campaign when I was -- when I
 22 filed for election. I raised zero money. I
 23 signed a paper saying I wasn't raising any money
 24 and I've never -- I've never campaigned.
 25 I did not run a campaign. I've not

1 bought the first campaign sign or anything like
 2 that. Just letting you know that the extent of my
 3 campaign is -- is just my personal relationships
 4 with the people in the town that I've been there
 5 forever.
 6 Like I said, the first election I lost
 7 18 to 16, so you can see that the -- the size of
 8 the town or the people that I would need to know
 9 to -- to -- to become elected is not an extremely
 10 high number.
 11 Q. When were you last re-elected?
 12 A. Let me think back.
 13 Q. Well, let me put it this way. Are you
 14 currently serving as a Dublin Town Commissioner?
 15 A. Yes.
 16 Q. Okay. When does ---
 17 A. So ---
 18 Q. --- your term expire?
 19 A. It expires January first of this year.
 20 Q. Will you be running again this fall?
 21 A. Yes. I have filed for re-election.
 22 Q. What party affiliation are you?
 23 A. Unaffiliated.
 24 Q. So you met with Sheriff McVicker through
 25 a meeting set up with Landon Bordeaux who you

1 previously had knowledge of. How did you come in
 2 contact with Landon Bordeaux?
 3 A. Landon contacted me. I mean, I was --
 4 you know, if we -- Landon and I saw each other
 5 around town or whatever, which we would from time
 6 to time. We -- we've always been plea -- I mean,
 7 we've always been friends, that's fair to say, so
 8 I mean, I've came in contact with him over the
 9 years all the time.
 10 It's a small town where you've got one
 11 restaurant in the town, you know, that sort of
 12 thing. We both eat there from time to time. We
 13 both see each other from time to time at gas
 14 stations or whatever.
 15 But as far as having any communications
 16 with him regarding this campaign, he contacted me
 17 on the 18th at 3:24 in the afternoon.
 18 Q. That's rather specific. How are you
 19 able to have such great recollection of that?
 20 A. I -- I had my phone records produced.
 21 Q. Do you -- did you answer that call or
 22 did you have to call him back?
 23 A. I answered that call.
 24 Q. How long was your discussion?
 25 A. That first discussion at 3:24, he asked

1 me if I was around the Dublin area -- if I was
 2 close by. I said, "Yeah, I'm close by." He said
 3 he'd like to talk to me. I said, "That's fine.
 4 I've got time." And -- and he -- I don't remember
 5 the exact place that we met. He just came into
 6 Dublin and we met right around -- in the Dublin
 7 area. Dublin's a very small town as you're aware,
 8 so I don't know exactly what specific location
 9 that we met at, but we met in Dublin.
 10 And the conversation lasted about a --
 11 probably less than a minute. It was basically,
 12 "Are you" -- "are you around town now?" I said,
 13 "Yeah. I'm here." "Have you got time to meet me
 14 for a few minutes?" "Sure." "All right. Meet me
 15 in Dublin," and that's -- what's basically the
 16 extent of that conversation. So that's what we
 17 did.
 18 Q. What happened during that conversation?
 19 A. He -- I knew Landon was -- was --
 20 actually I really -- I'm not sure if I knew what
 21 his capacity was at the time or not. I may have,
 22 but I knew that he had had interest in the
 23 McVicker sheriff campaign and at the time, I had
 24 expressed zero interest in the sheriff's race.
 25 I had no -- to me it was not on my radar

1 at all what was going on in the sheriff's race.
 2 And he approached me. The -- some of the initial
 3 things that he said, in no particular order, was
 4 that the incumbent sheriff -- that he had
 5 information that the incumbent sheriff was looking
 6 to raid my business in Dublin to try to create a
 7 splash, was the exact word that he used actually -
 8 - that the incumbent sheriff was -- was going to
 9 create -- try to create a splash in Dublin to help
 10 garner votes in my precinct and that he had inside
 11 information that this investigation had already
 12 started and he had sources that was giving him
 13 that.
 14 He then informed me that -- like I said,
 15 the order of this may have been a little bit in
 16 and out, but he then informed me that -- that
 17 Sheriff McVicker was obviously running for sheriff
 18 and that some of the big things that the sheriff
 19 was interested in doing was controlling the costs
 20 of the jail, running the jail in general, changing
 21 the way that that was operating.
 22 I think he may have mentioned, you know,
 23 maybe some training or what have you, that the
 24 officers lacked a lot of training and that was
 25 part of his agenda and that -- that drugs was

1 another big area of his agenda that he wanted to
2 try to focus on if he became sheriff, all of which
3 I'm, you know -- was -- was -- was good news for
4 me. I thought all of those things probably could
5 use some attention. And he -- I think the word
6 that he used was -- excuse my French, but I'll use
7 the same word that he used -- he told me that
8 Sheriff McVicker did not have a hard on for my
9 type of business.

10 And so he said that he -- you know, he
11 would like -- he would be -- you know, he would
12 like to get my support if he could. But the
13 sheriff -- or the campaign, I guess, is the best
14 way to refer to it, the campaign would like my
15 support in their election, and that, you know,
16 that support would -- obviously they were also
17 seeking contributions. And so I said okay.

18 I said I would be interested in learning
19 more. I told him that -- I think it was at that
20 point I told him that I would like to, you know,
21 have a discussion with the sheriff regarding his
22 goals and various things and talk with him. And
23 that was the -- there may have been a couple of
24 bits and pieces that I might can recall later on,
25 but that was the main gist of that initial meet --

1 face to face meeting that we had, was to let me
2 know that there was -- that the incumbent sheriff
3 was -- was -- was in the process of doing an
4 investigation of -- that he had inside information
5 that a raid was going to be occurring and they
6 were trying to do so because they needed votes in
7 my precinct. And that Sheriff McVicker didn't
8 have a hard on for my type of business or the
9 business I was in, I think is the way he put it,
10 not my words, but his words.

11 Q. His being Bordeaux?

12 A. That's correct. And that he told me the
13 things that the sheriff was interested in doing,
14 you know, which I've already said.

15 Q. What did you -- did you take any action
16 in light of the news that the current sheriff
17 planned to conduct an investigation or execution
18 of a search warrant at Big and Little Aladdin?

19 A. Did I take any action that day?

20 Q. Just after finding out that news as it
21 relates to the stores.

22 A. Well, I'm assuming you've got multiple
23 questions you're going to go in this line of
24 questioning and so in the -- yes. In the course
25 of -- of -- of this, lack of better words -- of

1 this relationship or whatever you want to call it,
2 in the course of this support, we had several
3 conversations and -- and that did -- the
4 conversation that I'm sure you'll ask about at
5 some point in the future, that led to that, Landon
6 got specific and said that the -- that he had --
7 he actually informed me that -- who one of his
8 informants was. And he stated that the 26th of
9 September -- I believe it's the 26th -- you'll
10 have to look up the calendar -- it was -- it
11 was -- it was a Friday -- was going to be the
12 target date of when they -- when it appeared to be
13 that they were going to be doing their -- their
14 raid on my business.

15 And so I shut the business down the day
16 before. It was on a Friday that he said they were
17 going to come and do the raid. I shut the
18 business down on a Thursday, and that was at his
19 encouragement to do so. I was not afraid of
20 anything, but at that point -- and on other
21 conversations he had given me enough information
22 to let me know that -- that Sheriff McVicker
23 was -- was -- or current sheriff McVicker at the
24 time -- candidate McVicker -- was -- was not going
25 to, you know, just be a complete adversary to me

1 or a thorn in my side related to -- to being in
2 business, and that the current sheriff was.

3 And so they were going to do this raid.
4 And so he basically -- I don't know if I should
5 use this word, but he basically bribed me for
6 their support by telling me exactly -- what he
7 said was going on with -- based on his inside
8 information that he was getting -- that his
9 campaign was getting -- to shut my business down.

10 So it was like you've got a sheriff that
11 -- that's about to raid you and do your business
12 and on the other hand you've got a sheriff that --
13 that is -- that his campaign manager is telling me
14 doesn't have a hard on and my business is not --
15 not something that he's interested in -- in giving
16 problems with.

17 And so anybody -- I think me being a
18 businessman would -- would take that into
19 consideration. And so that's why I attempted to
20 support him.

21 Q. Why did you shut down the businesses
22 after learning this information?

23 A. I shut down the businesses because
24 Landon told me that there was inside information
25 that they were coming to raid me on that Friday

1 and that I could avoid that by closing the
2 businesses. And so I didn't have anything -- the
3 -- the problem I had was that if they came in and
4 did a raid, I wasn't concerned about legality at
5 all, but if they come in and did a raid, then I've
6 got -- I've got another year of -- historically,
7 what's been a year of waiting to -- to get to
8 trial.

9 So the best thing for me to have done at
10 his encouragement -- and to help McVicker's
11 campaign because he consistently said that they
12 were looking to do this so that they could get
13 votes in my district, that he -- that it was the
14 im -- that the thought process of the incumbent
15 sheriff that if they did this raid that they were
16 going to get a bunch of votes because, for
17 whatever reason, they had that belief. I'm not --
18 I don't -- I can't speculate on that reason.

19 Q. Do you know why they thought that would
20 make an impact in the end?

21 A. I -- it would be pure speculation on my
22 part why they thought that. I don't -- I have no
23 idea.

24 Q. Do you have a personal opinion why you
25 think they thought it would have an impact.

1 Q. (Mr. Spaugh) Did you think at the time
2 that Sheriff Benston believed that conducting a
3 raid or excuse me, a search warrant, would impact
4 votes in his favor?

5 MR. BRIAN: Still object to the
6 form of the question. Calls for speculation.

7 THE WITNESS: I -- I didn't know
8 whether it would or not -- this is what his
9 campaign was telling me. Landon was telling em
10 that -- that -- that the -- Benston felt like that
11 it would have some impact on his campaign. I
12 don't know whether time would or not and I'm not
13 going to speculate that it -- that if it -- it
14 would or wouldn't. I don't know. I'm just saying
15 that was the information that was gave to me and
16 from my perspective, shutting down versus getting
17 raided and having the legal expense of defending
18 myself again, plus this was going -- if -- if his
19 campaign felt like it was going to help them for
20 me to shut down and take that tool out of their
21 toolbox, then that's what I did.

22 Q. (Mr. Spaugh) Did you later or --
23 whether or not Sheriff Benston, in fact, planned
24 to conduct that search on the 26th of September?

25 A. I did.

1 MR. BRIAN: Objection. Form of the
2 question. Calls for speculation.

3 THE WITNESS: I -- again, I would
4 be speculating. I -- I don't want to speculate on
5 anything here if I can help it. So I guess to
6 finish answering your question, I shut down ---

7 Q. (Mr. Spaugh) Well, let me ask you a
8 question.

9 MR. BRIAN: What were you about to
10 say?

11 THE WITNESS: To -- I shut down
12 based on the campaign manager giving me the
13 information that they were going to be raiding my
14 business, which would have cost me a lot of extra
15 legal fees.

16 Q. (Mr. Spaugh) You mentioned you don't
17 know -- don't want to speculate why it would make
18 a splash to -- you seemed to take the news as
19 credible, so did you think that might -- did you
20 think at the time that the sheriff, in fact,
21 thought that would impact the votes -- Sheriff
22 Benston?

23 MR. BRIAN: Objection to the form.

24 MR. SPAUGH: He's -- I'll rephrase
25 that question.

1 Q. What -- what did you learn?

2 A. I talked to Sheriff Benston personally
3 and Sheriff Benston indicated that there was no
4 such raid -- I like to use that word raid -- was
5 in the works. He may have used the word --
6 something else, but I'm calling it a raid.

7 Q. When did you talk to Sheriff Benston?

8 A. I don't know the exact rate (sic), but
9 it's this summer -- the date. I don't know the
10 exact date, but time was this summer. Summer of
11 2017.

12 Q. Was this in person communication, phone
13 or was ---

14 A. Phone.

15 Q. Do you remember -- have you looked at
16 your phone records for that?

17 A. No.

18 Q. Do you know how long the conversation
19 was?

20 A. Thirty minutes, maybe.

21 Q. Was the entire scope of the conversation
22 this specific issue?

23 A. No.

24 Q. Was there any other discussion about
25 this case?

<p style="text-align: right;">Page 74</p> <p>1 A. I don't -- Yeah, I don't recall. There 2 may have been a mentioning of it. There was no 3 detailed discussions about it. I'll put it that 4 way. It might have been brought up that, you 5 know, yeah, I'm in -- currently in federal court, 6 stuff that's publicly available. But I don't -- 7 there was no details, specifically that I can 8 recall. 9 Q. What did -- what all did Sheriff Benston 10 tell you? 11 A. He told me that there was no pending 12 raid that was going to be occurring. That was -- 13 that was inaccurate. 14 Q. Who was the specific informant that 15 Landon Bordeaux provided you? 16 A. Landon Bordeaux told me that Atlas 17 McVicker who had -- he said Atlas -- he didn't go 18 into detail -- he said Atlas has some sort of dual 19 role with the HP and the sheriff's department. 20 And he didn't elaborate on what that dual role 21 was, but he said that some of this information was 22 coming from Atlas and that he also stated that 23 Tommy Lindsey was not -- was not -- you know, I 24 guess Tommy Lindsey was one that was being tasked 25 to do this, according to Landon, and that he was</p>	<p style="text-align: right;">Page 76</p> <p>1 go ahead and ask you for a campaign contribution 2 then? 3 A. That he was seeking contributions -- 4 that was the purpose of -- I mean, that was -- 5 that was the reason why he met with me, was two 6 fold -- was to give me information that would, I 7 guess in his viewpoint, that would give me a 8 reason to support McVicker because the other 9 candidate is going to be raiding me. That was -- 10 and then, secondly, to solicit campaign and get my 11 support and any campaign contribution. 12 Q. Was there -- was there an affirmative 13 ask at that meeting? Could you contribute it at 14 that meeting? 15 A. I was not -- no. At that meeting, no. 16 There was no -- this meeting -- when he called me 17 and ask me to meet him in Dublin, what have you, I 18 -- I didn't know exactly what it was that he was 19 calling -- wanting to meet about. It was just 20 like, you know, he's a friend of mine so, hey, I 21 figured he had something he wanted me to -- tell 22 me or be aware of or whatever. So I did not offer 23 or anything like that. At that meeting, it was 24 basically -- the way that that meeting ended was 25 that, you know, I'd like to have a discussion with</p>
<p style="text-align: right;">Page 75</p> <p>1 not really wanting to do it -- that it was not 2 something that -- he was -- he was not wanting to 3 do the investigation or anything like that. 4 And so he did not say that Tommy Lindsey 5 was one that was giving him that information. He 6 just said that Tommy Lindsey was not very excited 7 about doing an investigation on the business. 8 But he did tell me that Atlas McVicker 9 was the source and he was able to get that 10 information because of his -- some dual role that 11 he had where he was interacting with the 12 detectives on a frequent basis. 13 Q. So going back to the first meeting that 14 you had with Landon Bordeaux, he -- you testified 15 that you expressed to him that you would be 16 willing to discuss these issues with Sheriff 17 McVicker. What happened next? 18 A. Well, I told him that I'd like to have a 19 -- you know, that I would like to meet Sheriff 20 McVicker and have a discussion with him. I didn't 21 say anything about issues or anything like that, 22 just have a discussion with him - just a general 23 discussion. 24 Q. And -- and thank you for clarifying 25 that. Did -- at that first meeting, did Bordeaux</p>	<p style="text-align: right;">Page 77</p> <p>1 McVicker at some point. 2 Q. You testified that your first meeting 3 with Sheriff McVicker, other than a potential stop 4 in the 90's, was on September 20th. Did you have 5 any communications -- how was that meeting 6 arranged? Did y'all discuss the details at this 7 first meeting or was that subsequent to that? 8 A. Okay. You're asking multiple questions, 9 so let's take one question at a time. 10 Q. If you'd just walk me through them then. 11 If that would be easier. 12 A. Okay. So that same -- Landon and I met 13 on the 18th after that initial phone call. We 14 discussed the campaign support, as well as 15 contribution. He did call me at 6:17 that same 16 day. This was after we had already met. He -- he 17 called me again at 6:17 and during that 18 conversation, one of the things that he discussed 19 was that -- that they did not want -- you know, I 20 offered to write him a check for a contribution 21 and that's what they were seeking at the time. 22 That was kind of left off at the earlier meeting. 23 And he said that he thought about it -- 24 he said that they were going to -- or basically 25 there was going to have to be a -- a campaign</p>

<p style="text-align: right;">Page 78</p> <p>1 disclosure of finances a week or so before the 2 actual election and that a -- the other side would 3 get that disclosure and that he was concerned that 4 they would question -- and it could be a problem 5 for them -- they may try to use a check from -- 6 from me against the campaign. 7 And so I said okay. He said we need to 8 basically find another way for you to contribute. 9 And so I said okay and that was -- at that point 10 in time he said he was going to get -- he was 11 going to try to schedule -- get a meeting set up 12 for -- with McVicker. 13 That conversation was probably seven or 14 eight minutes long. And he discussed with me how 15 things were kind of going with the campaign as far 16 as different things that they were doing, you 17 know, for the campaign or what have you, and we 18 had some of those discussions in the initial 19 meeting as well. You know, we just -- he 20 discussed some of the strategies and things that 21 the campaign was doing or what have you and -- so 22 I said okay and that was the end of that 23 conversation. 24 At that point in time -- okay. Let's go 25 to -- what's your next question?</p>	<p style="text-align: right;">Page 80</p> <p>1 there was, I'm just not recalling at the time. 2 Q. What time was the other communication on 3 the 18th? 4 A. Around 9:42 p.m. 5 Q. Can you tell me about that conversation? 6 What took pla -- what it was about? 7 A. That conversation was -- he wanted to -- 8 like I said, at the end of the 6:24 conversation, 9 he wanted a different -- he didn't want me to show 10 up in his campaign contribution report. So I had 11 a -- I had an idea. I called a -- you know, I had 12 an idea of a different way. 13 Q. Can you tell me what that idea was? 14 A. That idea -- and I ran it by Landon at 15 the time -- was that I thought I possibly could 16 get a contribution from someone else. And Landon 17 didn't have a problem with that. He thought that 18 was a good idea. 19 Q. Did you have someone else in mind? 20 A. I did. 21 Q. Who was that individual? 22 A. It's a business partner of mine -- or a 23 partner that I've done business with in the past 24 and his name is Ted Lyda. 25 Q. Can you spell the last name please?</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. I mean, you're doing a great job thus 2 far. I guess, what happened next? 3 A. Yeah. 4 Q. The conversation at 6:17, had you set an 5 affirmative date and time to meet with Sheriff 6 McVicker during that conversation? 7 A. Not at -- not at that time, no. 8 Q. So when did that take place? 9 A. Okay. On the 20th around 6:54 p.m. 10 Landon called me and said that he had -- McVicker 11 was ready to meet with me and so we met, I think, 12 maybe a half hour later, probably 7:30, eight 13 o'clock, somewhere around there. 14 Q. Was there any communications on the 19th 15 about Sheriff McVicker's campaign? We went from 16 the 18th to the 20 , I think. 17 A. Yeah. Your question asked me when was 18 the next time as far as the setting up the 19 meeting --- 20 Q. Yes, that's what. 21 A. That's when the meeting was set up. 22 Q. Yeah. I just wanted to see if there was 23 any communications on the 19th. 24 A. There was another communication on the 25 18th, that night. On the 19th, I'm not -- if</p>	<p style="text-align: right;">Page 81</p> <p>1 A. L-y-d-a. 2 Q. What type of business partner is that -- 3 what entities has he helped you with? 4 A. Ted -- he does some distribution for me 5 for Crazie Overstock right now. I've known him as 6 a friend for a while, just -- I think I've known 7 him probably since 2009 or so. 8 Q. Does Ted live in North Carolina? 9 A. He does. 10 Q. What county does he live in? 11 A. I'm not a hundred percent sure. 12 Q. Do you know what city? 13 A. He lives out in the country. He doesn't 14 live in a city. 15 Q. Eastern North Carolina? 16 A. Middle. 17 Q. Had you communicated with Ted prior to 18 calling him to -- let me clear it up. This nine 19 P.M. communication on the 18th, did you initiate 20 that call? 21 A. The nine P.M. call to Landon, I did 22 initiate that call. 23 Q. Prior to initiating that call, had you 24 spoken with Mr. Lyda? 25 A. Yes.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q. Did you relate to Mr. Bordeaux during</p> <p>2 that nine P.M. conversation that you would be</p> <p>3 picking up the check the next day?</p> <p>4 A. I don't know for sure if I did, but most</p> <p>5 likely. I had -- that conversation nine P.M. was</p> <p>6 to go up -- was to let him know what -- how I</p> <p>7 intended to -- you know, what my idea was of doing</p> <p>8 this and run it by him to see what his opinion</p> <p>9 was. And he was okay with that.</p> <p>10 Q. When you had -- so that's three</p> <p>11 different communications with Mr. Bordeaux on the</p> <p>12 18th, correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Were you and he the only participants in</p> <p>15 these conversations?</p> <p>16 A. There was as conversation I had with</p> <p>17 him.</p> <p>18 Q. So on your end it was just you?</p> <p>19 A. Yes.</p> <p>20 Q. And did you have any understanding</p> <p>21 whether or not somebody else was listening on the</p> <p>22 other end of the line?</p> <p>23 A. Well, the first conversation, we met in</p> <p>24 person. There was no one there. The second</p> <p>25 conversa -- yeah. I mean ---</p>	<p style="text-align: right;">Page 88</p> <p>1 uses that house for a variety of reasons. And</p> <p>2 that's -- and it's right in front of his house and</p> <p>3 directly behind -- in front of a barn that he's at</p> <p>4 on a daily basis.</p> <p>5 So I knew the area. I mean, it's right</p> <p>6 close to my home and that's where he'd set up the</p> <p>7 meeting for.</p> <p>8 Q. So when you arrived at the meeting, were</p> <p>9 you the first person there?</p> <p>10 A. No. When I arrived at the meeting the</p> <p>11 other people were there.</p> <p>12 Q. What happened after you arrived?</p> <p>13 A. I walked into the roadhouse and Mr.</p> <p>14 McVicker, his wife and Landon were there -- well,</p> <p>15 I think Landon met me outside, whatever, and then</p> <p>16 walked me to the back door entrance. I walked in</p> <p>17 with Landon, if I -- if I recall correctly. And</p> <p>18 when I walked in Mr. McVicker and his wife were</p> <p>19 sitting -- there's a couch and a chair here</p> <p>20 (indicating) and a chair over here (indicating)</p> <p>21 and a coffee table right here (indicating). So</p> <p>22 Mr. McVicker and his wife were sitting on the</p> <p>23 couch, I sat in the recliner over here</p> <p>24 (indicating) and Landon sat in a chair/recliner</p> <p>25 over here (indicating) and there was a coffee</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. So now we'll go on to the 20th, 6:27</p> <p>2 P.M. you received a call from Mr. Bordeaux, is</p> <p>3 that correct?</p> <p>4 A. 6:54 P.M.</p> <p>5 Q. All right. And I think you testified</p> <p>6 that he mentioned that they were ready to have</p> <p>7 their meeting with you?</p> <p>8 A. Yes. He said -- he said that he had</p> <p>9 gotten in touch with Mr. Mc -- or that he had</p> <p>10 scheduled a meeting with Mr. McVicker and asked me</p> <p>11 if I would, you know, come to it. And I was. I</p> <p>12 was able to.</p> <p>13 Q. What were the details of that</p> <p>14 arrangement in terms of who was going to be there</p> <p>15 and what time it would be?</p> <p>16 A. I didn't know who was going to be there,</p> <p>17 first of all. I just know that Landon had -- I</p> <p>18 know that Mr. McVicker was going to be there. I</p> <p>19 didn't even know if Landon was going to be there,</p> <p>20 but I knew that Mr. McVicker was going to be there</p> <p>21 because that's who he said he had set the meeting</p> <p>22 up with. And he told me that it would be at his</p> <p>23 grandmother's house, which everybody refers to</p> <p>24 that house as the roadhouse. That's just the name</p> <p>25 it's given. His grandmother's deceased and Landon</p>	<p style="text-align: right;">Page 89</p> <p>1 table in the center.</p> <p>2 Q. Who initiated the discussion?</p> <p>3 MR. BRIAN: Object to the form.</p> <p>4 THE WITNESS: I don't -- I really</p> <p>5 don't -- I mean, I'd speculate. I don't know who</p> <p>6 initiated it.</p> <p>7 Q. (Mr. Spaugh) Can you tell me what you</p> <p>8 remember about after y'all arrived and were</p> <p>9 seated?</p> <p>10 A. We exchanged pleasantries, you know,</p> <p>11 that sort of thing. I was officially introduced</p> <p>12 to Mr. McVicker, I met his wife and I guess he was</p> <p>13 officially introduced to me. Landon did the</p> <p>14 introductions, basically. Next question.</p> <p>15 Q. Well, what happened next?</p> <p>16 A. We -- I don't know the order of the</p> <p>17 questioning, but we basically, you know,</p> <p>18 started -- I don't know if we started the --</p> <p>19 probably was discussing some of the reasons why</p> <p>20 the sheriff was running, some of the things that</p> <p>21 he wanted to accomplish as -- as -- as sheriff.</p> <p>22 Q. I guess when was your contribution</p> <p>23 brought up?</p> <p>24 A. The contribution was -- like I said, I</p> <p>25 talked to Landon on the 18th at nine-something and</p>

<p style="text-align: right;">Page 90</p> <p>1 he agreed that that would be the proper -- that</p> <p>2 would -- that would be something that would work</p> <p>3 for them -- and the contribution was -- when was</p> <p>4 it -- I don't know that it was -- it was kind of</p> <p>5 -- I know when it was given, but as far as when it</p> <p>6 was brought up during the conversation, I -- I</p> <p>7 mean, we talked about several different things.</p> <p>8 Q. Was the contribution brought up during</p> <p>9 the discussion?</p> <p>10 A. It was -- it was brought up that I would</p> <p>11 -- that a contri -- I was there for a</p> <p>12 contribution. That was -- I don't know that I --</p> <p>13 I don't know that it was verbally said, but it was</p> <p>14 understood. It was understood. Landon had</p> <p>15 already made that very clear when he set up the</p> <p>16 meeting that I would be meeting for him -- meeting</p> <p>17 with them, and as a result of that meeting, unless</p> <p>18 something was way out of line, that I would -- you</p> <p>19 know, I would give their support and a</p> <p>20 contribution.</p> <p>21 Q. You mentioned that you do remember when</p> <p>22 it was given. When and how was it given?</p> <p>23 A. At the conclusion of our meeting, I</p> <p>24 placed a check on a -- on the coffee table and</p> <p>25 then -- and that's where I set it at and then we</p>	<p style="text-align: right;">Page 92</p> <p>1 was a mistrial and that as a result for that, I</p> <p>2 had reopened my business, and that I was -- you</p> <p>3 know, based on information that I knew and because</p> <p>4 we'd already went through a trial that I was --</p> <p>5 had a lot of reason to believe that -- that I was</p> <p>6 legal. And I knew I was legal. There was no</p> <p>7 question about it.</p> <p>8 In fact, I told him if I -- I wouldn't</p> <p>9 be open at that point, which I was, if I didn't</p> <p>10 think I was legal. I was in a clearly open</p> <p>11 business.</p> <p>12 Q. I'm going to hand you what we'll mark as</p> <p>13 Exhibit Four.</p> <p>14 MR. SPAUGH: Is that correct?</p> <p>15 Exhibit Four?</p> <p>16 (DEPOSITION EXHIBIT</p> <p>17 NUMBER FOUR WAS MARKED</p> <p>18 FOR IDENTIFICATION)</p> <p>19 Q. If you'd turn to page ten, Mr. Smith.</p> <p>20 Look at that last sentence in paragraph ten for me</p> <p>21 and let me know if you know anything about that.</p> <p>22 A. The last sentence of paragraph ten?</p> <p>23 Q. No, excuse me. The last sentence of the</p> <p>24 first paragraph on page ten.</p> <p>25 (Witness examines document)</p>
<p style="text-align: right;">Page 91</p> <p>1 walk -- we -- all of us or maybe not his wife, but</p> <p>2 at least McVicker and Landon and I walked out of</p> <p>3 the house and had some -- you know, a few other</p> <p>4 discussions out in the yard.</p> <p>5 Q. And was this the check that you had</p> <p>6 picked up from Mr. Lyda?</p> <p>7 A. Yes.</p> <p>8 Q. You mentioned that you discussed some</p> <p>9 other issues that evening. Did you discuss the</p> <p>10 operations taking place at Big and Little Aladdin?</p> <p>11 A. Not the specific operations, no.</p> <p>12 MR. SPAUGH: Wait. Off the record.</p> <p>13 (Off record)</p> <p>14 THE WITNESS: Could you restate the</p> <p>15 question just to ---</p> <p>16 Q. (Mr. Spaugh) Yeah. So did you discuss</p> <p>17 the operations at Big Aladdin and Little Aladdin?</p> <p>18 A. Specifically, no.</p> <p>19 Q. Okay. Did you discuss the legality of</p> <p>20 the operations at Big and Little Aladdin?</p> <p>21 A. I told Mr. McVicker that I had multiple</p> <p>22 opinion -- you know, that I had gotten legal</p> <p>23 support or legal counsel, that I explained to him</p> <p>24 that I had already went through a nine-day trial</p> <p>25 in 2013 and that I was not found guilty, that it</p>	<p style="text-align: right;">Page 93</p> <p>1 A. Okay. I've read it.</p> <p>2 Q. Is that -- is that accurate?</p> <p>3 A. With some clarification. Okay. The</p> <p>4 check that was given to him -- I'm not a -- I'm</p> <p>5 pretty sure it was from a joint account from Ted,</p> <p>6 I think probably with his wife. It was -- I was</p> <p>7 given it to them. I mean, I personally brought</p> <p>8 the check to him and laid it on the coffee table.</p> <p>9 And that's what the amount of the check was -- is</p> <p>10 accurate.</p> <p>11 Q. Okay. I just wanted to clarify that the</p> <p>12 check was not, in fact, from you in this sentence.</p> <p>13 A. It was not from a account from myself</p> <p>14 and Mrs. Smith, that's correct.</p> <p>15 Q. Thank you.</p> <p>16 A. It was a -- as I've already disclosed,</p> <p>17 it was a check.</p> <p>18 Q. All right. Now if you could turn to the</p> <p>19 previous page.</p> <p>20 A. Okay.</p> <p>21 Q. All right. Near the bottom of par --</p> <p>22 the last paragraph -- it should be the answer to</p> <p>23 Interrogatory 14, it states, "Mr. Smith spent over</p> <p>24 an hour explaining how his promotions operated and</p> <p>25 complied with the law." Can you tell me to the</p>

<p style="text-align: right;">Page 94</p> <p>1 best recollection, what the contents of this</p> <p>2 conversation was -- what this explanation was?</p> <p>3 MR. MAYNARD: Objection. I'm</p> <p>4 instructing him not to answer.</p> <p>5 MR. SPAUGH: On what grounds?</p> <p>6 MR. MAYNARD: As I've stated</p> <p>7 previously, he is not going to -- I am instructing</p> <p>8 him not to answer any questions that deal with his</p> <p>9 defenses in the criminal actions ground.</p> <p>10 MR. SPAUGH: Okay. So -- I just</p> <p>11 want to make sure it's on the criminal actions</p> <p>12 ground.</p> <p>13 MR. MAYNARD: Correct.</p> <p>14 MR. SPAUGH: Okay. So is this a</p> <p>15 Fifth Amendment?</p> <p>16 MR. MAYNARD: It is a non-discovery</p> <p>17 -- your discovery order -- that -- that you folks</p> <p>18 enter into in this other case.</p> <p>19 MR. SPAUGH: Mr. Maynard, I</p> <p>20 don't -- I mean, do you have standing to raise</p> <p>21 that objection under discovery order?</p> <p>22 MR. BRIAN: Well, he is Mr. Smith's</p> <p>23 attorney.</p> <p>24 MR. SPAUGH: In the criminal</p> <p>25 action.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Yes. We're alleging that.</p> <p>2 Q. Okay. And can you explain to me some of</p> <p>3 the grounds in which you believe that malice is</p> <p>4 based?</p> <p>5 MR. BRIAN: Object to the form of</p> <p>6 the question. Go ahead and answer it if you can.</p> <p>7 Q. (Mr. Spaugh) or why you think Sheriff</p> <p>8 McVicker has malice towards you.</p> <p>9 MR. BRIAN: That's better.</p> <p>10 THE WITNESS: Why does Sheriff</p> <p>11 McVicker have malice towards me? There are -- I</p> <p>12 believe that he is -- you know, his raid -- I'll</p> <p>13 call it a raid -- is -- he's pandering towards</p> <p>14 different folks that he relied on during his</p> <p>15 election. I think that -- he admitted that he</p> <p>16 went to a conference of preachers or what have you</p> <p>17 and that they asked him about that and I think</p> <p>18 that he had political aspirations of continuing</p> <p>19 going on, and that he would do whatever it took to</p> <p>20 -- to make his constituents -- specifically the</p> <p>21 preachers that he is saying came and -- came to</p> <p>22 him and questioned why I was in business and that</p> <p>23 sort of thing.</p> <p>24 I think he would -- he was willing to go</p> <p>25 to any extent to make them feel justified that</p>
<p style="text-align: right;">Page 95</p> <p>1 MR. BRIAN: Right, but you're also</p> <p>2 his attorney.</p> <p>3 MR. SPAUGH: He's -- I mean, it's a</p> <p>4 genuine question.</p> <p>5 MR. BRIAN: I mean, I think he does</p> <p>6 have standing to -- to -- to prevent what's</p> <p>7 essentially an attempt to do discovery that would</p> <p>8 support the criminal action.</p> <p>9 MR. SPAUGH: And I'm not trying to</p> <p>10 do that. I want to be very clear. I have -- I</p> <p>11 don't care at all about the criminal actions,</p> <p>12 truly. I'm not here for that.</p> <p>13 MR. BRIAN: Okay. Well, then this</p> <p>14 -- this -- this line of questioning ought to be</p> <p>15 very short.</p> <p>16 MR. SPAUGH: The issue is that</p> <p>17 statements have been made -- well, I'm going to</p> <p>18 ask you some questions, Mr. Smith.</p> <p>19 MR. BRIAN: That would be good.</p> <p>20 Q. (Mr. Spaugh) Are you alleging that</p> <p>21 Sheriff McVicker had malice -- or acted with</p> <p>22 malice towards you?</p> <p>23 A. In the complaint -- have you read the</p> <p>24 complaint?</p> <p>25 Q. I have.</p>	<p style="text-align: right;">Page 97</p> <p>1 they're -- that they were being answered. I think</p> <p>2 he done so in a way that was over and above board.</p> <p>3 I think there was a significant amount of damage</p> <p>4 that we are claiming in here. He's the sheriff of</p> <p>5 that department. He could have done more to</p> <p>6 ensure that damage like this did not occur.</p> <p>7 I think he wanted maximum publicity. I</p> <p>8 find it -- I find it very disingenuous to suggest</p> <p>9 that -- that the helicopter land in Dublin. There</p> <p>10 are a lot of obstacles, including power lines, in</p> <p>11 the location that the helicopter landed at.</p> <p>12 There's never been a helicopter land, from the</p> <p>13 sheriff's department, in the history for the</p> <p>14 sheriff's department having a helicopter, land in</p> <p>15 the Town of Dublin.</p> <p>16 It's not familiar territory for them to</p> <p>17 land in. It's not like a football field in</p> <p>18 Elizabethtown Middle School where they -- or</p> <p>19 primary school where they were at prior that day.</p> <p>20 So for him to coordinate and tell an officer to</p> <p>21 drive -- not to drive five more minutes down the</p> <p>22 road to meet a helicopter that was supposedly</p> <p>23 already landed at some school and to ask that</p> <p>24 helicopter to fly up, come to Dublin, fly around,</p> <p>25 take some pictures, land in a unfamiliar territory</p>

<p style="text-align: right;">Page 98</p> <p>1 amongst power lines and trees and everything else, 2 have dinner with these folks as if the urgency is 3 not even there, was all to -- yeah. He might have 4 a reason for that guy to get in this -- this 5 helicopter to fly to go do some other things, but 6 it just doesn't make sense for him not to tell 7 this guy, go five minute -- five minutes down the 8 road and get in this helicopter that's already on 9 the ground and -- as opposed to telling this 10 helicopter to expend fuel, expend gas and fly and 11 land in an area that they've never landed at 12 before, and that would -- it's not like a 13 helicopter pad that -- that medical helicopters 14 land on that's designed for helicopter landings. 15 So they're landing in an area that they've never 16 landed at before. 17 So for him -- for him -- and he's 18 already said in his deposition, for him to make 19 the decision to have a helicopter come and do that 20 -- he was -- he was attempting and did effectively 21 create maximum publicity and embarrassment for my 22 wife and I. That there's no -- there's absolutely 23 no -- no reason for him not to have had that 24 officer go five minutes down the road other than 25 to make sure that that helicopter was shown</p>	<p style="text-align: right;">Page 100</p> <p>1 were contained in the parking lot. They were all 2 already parked in the parking lot. If a police 3 officer can't cross the road without having the 4 road blocked, I think that's an issue. 5 Q. What about potentially backing in a 6 moving truck --- 7 MR. BRIAN: Objection to the form. 8 It calls for speculation. 9 THE WITNESS: First of all, the -- 10 from the direction of the -- from the photographs 11 that I've seen that had this -- I don't know which 12 ones they are, but there were some photographs 13 that had the U-Haul truck in it. Do you recall 14 those photographs? Okay. From the direction that 15 the truck was in in those photos, he didn't back 16 in. He pulled into the parking lot. 17 He would not have had to -- and they 18 would not have -- I mean, the difference between 19 blocking a road and -- and a police officer in the 20 middle of the road for two seconds saying, "Hold 21 up. Let this guy come -- pull forward and back 22 up," that's two different things. And from my 23 understanding listening to other folks, the road 24 was blocked for, not a long period of time but a 25 short period of time, at some point.</p>
<p style="text-align: right;">Page 99</p> <p>1 present at that location. 2 There was no reason for him -- for the 3 entire morning to have his sheriff's deputies 4 vehicles in the parking lot with flashing blue 5 lights for the majority of the morning. They had 6 already secured the area. Why do you want -- why 7 would you -- why do officers flash their blue 8 lights on something in a secure area? To draw 9 maximum attention to that area. He didn't have to 10 do that. 11 He blocked off a portion of the road for 12 a -- granted, it probably wasn't for a very long 13 period of time, but there was a portion of the 14 road blocked off and re-routed traffic around the 15 entire intersection with cops blocking the road 16 just so it would -- it would be known that there 17 was a major happening occurring there on the 18 corner of the building. That was done for maximum 19 publicity purposes. 20 Q. (Mr. Spagh) What is the basis of your 21 belief that the portion of the road is blocked off 22 to create publicity? 23 A. The basis of my belief is that from 24 aerial photos and all the other photos that I've 25 seen, all the police vehicles and other vehicles</p>	<p style="text-align: right;">Page 101</p> <p>1 But all the blue lights going on, all 2 that was designed for maximum publicity. There 3 was -- and I know you'll get into this question 4 earlier -- there is absolutely not justification 5 for Officer Deaver to be on top of the building 6 and rip 3,000 whatever amount linear foot of LED 7 lights off that are in tracks -- the wiring is -- 8 the wiring in the tracks is not doing anything. 9 There's not dispute about that -- and throw it on 10 the ground in the back of the building and leave 11 it there. None. 12 Did they even think that they -- well, 13 maybe these lights use electricity. Maybe I 14 should kill the power. No. None. They just do 15 this stuff with -- without know -- without 16 thinking. 17 Officer Tyler said he witnessed -- he 18 wouldn't give his name -- he said he couldn't 19 recall his name, but he witnessed an officer 20 ripping off a mural on the front window of the 21 building. I had, and I'm recalling a conversation 22 at some point with one of the employees of -- 23 of -- of the business next door -- I don't know 24 their name. I just recall -- I happened to be at 25 the building when this conversation happened and</p>

<p style="text-align: right;">Page 102</p> <p>1 this was in the future after the raid -- that they</p> <p>2 had seen the mural in the dumpster that day.</p> <p>3 I don't think there's no dis -- if there</p> <p>4 is disputing this, Officer Tyler has already</p> <p>5 called it unprofessional because he said -- he</p> <p>6 said that it would be unprofessional for them to</p> <p>7 seize anything and it not be on that inventory</p> <p>8 list. That mural was not on that inventory list.</p> <p>9 We've got a request to go view the</p> <p>10 inventory and I bet you ten to -- nine to one --</p> <p>11 ten to one that we're not going to find that mural</p> <p>12 in their inventory. It's not going to be there.</p> <p>13 Why is it not there? Because it wasn't</p> <p>14 seized. Why wasn't it seized? Because they threw</p> <p>15 it in the trash can. And can they dispute that?</p> <p>16 No, because they don't have it. That -- everyone</p> <p>17 of those are instances of malice. Sheriff</p> <p>18 McVicker is in charge of every one of those</p> <p>19 officers. If he put so much control in all of his</p> <p>20 captains and he believes, as he said the other</p> <p>21 day, that if his captains did it, then he's --</p> <p>22 he's behind them. So if he has that much control</p> <p>23 over all of his captains, then he's approving</p> <p>24 everything that his captains do.</p> <p>25 And his captains sit there and watch</p>	<p style="text-align: right;">Page 104</p> <p>1 running. So he's going to do whatever he -- he</p> <p>2 does and cause maximum publicity and try to do</p> <p>3 whatever he can to get their votes the next time</p> <p>4 around.</p> <p>5 Q. There have been a lot of questions in</p> <p>6 depositions that you have heard about the need to</p> <p>7 conduct an investigation at all because of your</p> <p>8 offer to the -- alleged offer to the sheriff to</p> <p>9 have him come in and check things out and to</p> <p>10 explain to him how the games worked. Do you</p> <p>11 recall those questions that were asked of other</p> <p>12 people?</p> <p>13 MR. BRIAN: Objection to form.</p> <p>14 Answer.</p> <p>15 THE WITNESS: Okay. So ---</p> <p>16 MR. BRIAN: Yeah, answer the</p> <p>17 question, Jeff.</p> <p>18 THE WITNESS: Yes. I offered the</p> <p>19 sheriff to come and review the operation at any</p> <p>20 time and I'd be happy to go over it with him.</p> <p>21 Q. (Mr. Spaugh) And is part of your malice</p> <p>22 claim based off of his refusal to do so?</p> <p>23 A. Is part of my malice claim based off his</p> <p>24 refusal to do so?</p> <p>25 Q. Uh-huh (yes).</p>
<p style="text-align: right;">Page 103</p> <p>1 that, don't know if it was copied on the inventory</p> <p>2 list, but just assume that it was. So is that</p> <p>3 professional? No. Captain Tyler said it would be</p> <p>4 unprofessional for them to throw it away. He's</p> <p>5 already said that in his deposition.</p> <p>6 So the fact that -- that -- that they</p> <p>7 were being professional, as Sheriff McVicker</p> <p>8 conveyed in his press conference, that they had</p> <p>9 been professional or whatever or -- or, you know,</p> <p>10 they collaborate on that, it's totally untrue.</p> <p>11 His officers are -- are negating --</p> <p>12 they're already saying that if this happened, this</p> <p>13 is not professional. I don't think McVicker's</p> <p>14 even talked to his officers to see what happened.</p> <p>15 I don't think that he knows these LED lights were</p> <p>16 thrown on the back of the ground. He acted like</p> <p>17 he'd never seen the pictures before.</p> <p>18 He doesn't know what's going on because</p> <p>19 he doesn't care. And if he cared he would -- it</p> <p>20 wouldn't have happened like that. So, yes. I</p> <p>21 hope I've answered your question. Tons of malice,</p> <p>22 tons of publicity and -- and he's trying to please</p> <p>23 his preacher friends who -- who he feels like he</p> <p>24 gets a lot for support from in elections. And who</p> <p>25 -- he's got another election he's going to be</p>	<p style="text-align: right;">Page 105</p> <p>1 A. His refusal to do that shows that it</p> <p>2 didn't matter what I would have said or what I</p> <p>3 would have offered. He was going to do what he</p> <p>4 wanted to do. He was going to do what those</p> <p>5 preachers wanted him to do. That's what that</p> <p>6 shows.</p> <p>7 Q. If he had agreed to come and see, what</p> <p>8 would you have told him?</p> <p>9 A. We wouldn't be standing here today.</p> <p>10 Q. And why is that?</p> <p>11 A. We wouldn't be standing here today</p> <p>12 because I think he -- it would have been handled a</p> <p>13 lot differently.</p> <p>14 Q. And why do you think it would have been</p> <p>15 handled differently?</p> <p>16 A. I just -- I just know that it would.</p> <p>17 Q. What would you have told him to make it</p> <p>18 be handled differently?</p> <p>19 A. What would I have told him that it could</p> <p>20 be handled differently?</p> <p>21 Q. What would you have told him that would</p> <p>22 have ensured that it would have been handled</p> <p>23 differently?</p> <p>24 A. Well, if he believed that after I give</p> <p>25 him a demonstration -- if he believed that the</p>

1 business was illegal, I would not have argued with
2 him. I would have -- and I told him this -- I
3 would have -- and I did this in October -- I would
4 have closed that business down and I would have
5 done other remedies -- I would have had other
6 remedies and I would have sought other remedies to
7 get that business open to where he wouldn't have
8 had any question whether it was legal or not.

9 Q. What would you have shown him during the
10 demonstration to demonstrate the legality.

11 A. I would have shown him the business and
12 that's too broad. I can't -- I would have shown
13 him the business in its entirety and showed him
14 how it operated.

15 Q. Can you ---

16 A. And if he would have came back and said,
17 "I think that's illegal," then I would have used
18 other remedies to -- I would have shut the
19 business down, which if avoid -- we wouldn't be
20 here today if that was the case and I would have
21 used other remedies to resolve the problem.

22 Q. Okay. Can you try and explain to me
23 what you would have told him?

24 MR. BRIAN: Objection. Asked and
25 answered.

1 THE WITNESS: I just said --- I
2 just said ---

3 MR. SPAUGH: He said it's broad and
4 I'm explaining that we have four hours left.

5 THE WITNESS: Are you talking about
6 the business?

7 Q. (Mr. Spaugh) Yeah.

8 A. How -- how ---

9 Q. You said -- you said -- you claimed that
10 if Sheriff McVicker had taken you up on your offer
11 to come and inspect this, that we wouldn't be here
12 today and this would have never happened.

13 A. That's correct.

14 Q. And do you believe that his -- as a
15 result that he didn't, that that constitutes
16 malice.

17 A. I believe that his -- he had the option
18 as he's already said at his deposition -- he could
19 have given me what he referred to as a target
20 letter, but after speaking with -- I don't know
21 what capacity Ronnie Mitchell has with the
22 sheriff's department -- if it's a part-time -- a
23 favor capacity or whatever it is -- that Ronnie
24 Mitchell apparently pulled the right string and
25 told him not to do that, to go ahead and just

1 raid. Yes. I believe -- I believe that lack of
2 communication -- because when we left that
3 meeting, communication with me was something that
4 I expressed that I felt like -- and he agreed that
5 he would do so -- if there was any issues with my
6 business he would pick the phone up and call me.

7 If we couldn't resolve the issue that --
8 do whatever. And if there were any issues with my
9 business and he called me and told me, I would
10 close the business. Period. We wouldn't be here
11 today.

12 The fact that he listened to Ronnie
13 Mitchell and ignored everything that he gave me in
14 a -- what I will -- what I will refer to as a
15 gentlemen's agreement, "I will call you if there's
16 any problems," there's nothing unreasonable about
17 that. I wasn't asking for any favors. All I
18 wanted him to do was call me if there was any
19 issues. He agreed to that. He said, "I'm not
20 going to come there with no SWAT-like stuff. You
21 know, I'll call you."

22 But the fact that he jumped over that --
23 what -- and -- and -- and did not do that and went
24 straight to Ronnie Mitchell and done exactly what
25 Ronnie Mitchell told him to do as opposed to

1 making his own decisions, I think he could care
2 less of what -- how -- what effect it had on me --
3 me and my family.

4 And as a result of him not caring, yes.
5 That was malice.

6 Q. So his inability then -- you're claiming
7 that his inability or his lack of reaching out to
8 you in coming to inspect constitutes malice, which
9 as you know is an essential part of this case in
10 this specific phase. So as a result what would
11 you have demonstrated to him had he come to
12 inspect?

13 A. I would have demonstrated the operation
14 and I can't -- there's no way I can demonstrate
15 the operation in verbal format to you in this
16 room. In order for me to demonstrate the
17 operation, we would have to be at the operation.

18 Q. To the best of your extent, please tell
19 me how it is legal in your mind.

20 MR. BRIAN: Objection. Instruction
21 you not to answer.

22 THE WITNESS: There -- are you ---

23 MR. BRIAN: Instruct you not to
24 answer.

25 THE WITNESS: Yeah. I'm not

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1 sheriff's office's determination that there is
 2 probably cause to believe that the operations at
 3 Big Aladdin were illegal?
 4 MR. MAYNARD: Jeff, again, I'm
 5 instructing you not to answer that question.
 6 THE WITNESS: I'm not going to
 7 answer that question based on the advice of my
 8 attorney.
 9 MR. SPAUGH: Yeah, that's fine.
 10 And I just want to build the record here. I'm
 11 going to ask the questions and if you make that
 12 instruction, that's fine. I just want to build
 13 the record.
 14 MR. MAYNARD: That's fine.
 15 Q. (Mr. Spaugh) What about -- same
 16 question as to Little Aladdin.
 17 MR. MAYNARD: Same instruction.
 18 THE WITNESS: I'm not going to
 19 answer that based on the advice of my attorney.
 20 Q. (Mr. Spaugh) Were the games being
 21 conducted in Big Aladdin the same as the games
 22 being conducted in Little Aladdin?
 23 MR. BRIAN: Objection on the
 24 grounds of lack of foundation.
 25 Q. (Mr. Spaugh) Were the operations at Big

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1 Aladdin identical to the operations at Little
 2 Aladdin?
 3 MR. MAYNARD: Same advice.
 4 Q. (Mr. Spaugh) Okay, so you're not going
 5 to answer.
 6 A. I'm not going to answer based on the
 7 advice from my attorney.
 8 Q. Do you believe that Sheriff McVicker has
 9 any personal animosity towards you?
 10 A. That would be speculation on my part.
 11 Q. Is there anything that would lead you to
 12 believe that prior to the execution of the search
 13 warrants in May 2015?
 14 A. He indicated me -- he indicated to me at
 15 our meeting that we had -- initial meeting on the
 16 20th that if there were any issues with my
 17 business that he would contact me first, so the
 18 fact that he didn't contact me at all is a -- you
 19 know, I think shows, among other things, his
 20 integrity.
 21 Q. But why do you think -- assuming that
 22 these facts contained in the response to
 23 interrogatories are true that a campaign donation
 24 was made, multiple campaign donations, to benefit
 25 Sheriff McVicker, why would he be out to get you?

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1 MR. BRIAN: Objection for lack of
 2 foundation.
 3 Q. (Mr. Spaugh) You can answer.
 4 A. I'm going to -- and I think this is no
 5 excuse on his behalf, but the only reason why
 6 he -- I don't think -- maybe his campaign manager
 7 and him were not fully communicating entirely on
 8 what was going on. That's his campaign's fault.
 9 That's McVicker's fault. It's his choice of
 10 campaign manager. If that is the case, then to me
 11 it would make no sense.
 12 Q. How were you informed that the check was
 13 going to be returned to you?
 14 A. Landon gave it to me. He informed me
 15 that -- that the sheriff or candidate at the time,
 16 that they had decided that they needed to give it
 17 back and that it would -- and I'm paraphrasing
 18 here, but it was a \$4,000 check, so it would be
 19 scrutinized by the incumbent's campaign.
 20 Q. How was that conversation initiated?
 21 A. Landon basically had to, you know -- he
 22 would -- I'm not sure the exact -- how it was
 23 initiated. He basically said that, you know, the
 24 sheriff doesn't want to take it, you know, as if
 25 he had tried to get the sheriff to take it and the

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1 sheriff didn't want to take it. And the basis for
 2 it was what I just said already.
 3 Q. Did he -- did Landon contact to set up
 4 that meeting?
 5 A. Did Landon contact me to set up the
 6 meeting?
 7 Q. To return the check?
 8 A. It was -- I can't remember -- I rode
 9 over there -- I think I ran -- I basically rode
 10 over there to -- where I knew he was at every
 11 afternoon and it might have been conveyed to me
 12 that Landon needed to talk to me or something.
 13 But at any rate, he did not call me directly. It
 14 was conveyed to me that he needed to talk to me,
 15 and I can't remember where that came from.
 16 Q. Okay.
 17 A. But at any rate, I drove over there on
 18 my own accord to his barn, which is where, like I
 19 said, he's at every afternoon.
 20 Q. Who all was present during that
 21 conversation?
 22 A. Just Landon and I. I think maybe a
 23 couple other people came up while I was there, but
 24 we went into a -- an area where we could have a
 25 conversation without other people hearing it.

1 Q. What did you do to the check after it
2 was returned?

3 A. Destroyed it.

4 Q. Did you throw it in the trash?

5 A. I don't know if I threw it in the trash
6 or -- I don't know what I did with it, but I
7 destroyed it.

8 Q. When you had that meeting with Landon,
9 were arrangements made for you to present the cash
10 contribution instead?

11 A. It was -- it was -- not at that time
12 when the contribution will be made, but it was
13 discussed that I would make -- that the
14 contribution would be made differently.

15 Q. How was it set up to make the cash
16 contribution? Can you just walk me through that?

17 A. Landon called me on the 23rd, I believe
18 it was. I don't have the time exactly in front of
19 me, but it was on the 23rd and asked me to -- the
20 \$4,000 that I had initially done -- asked me to
21 give that to a gentleman named McCrae Dowless.

22 Q. Who is that?

23 A. McCrae Dowless is someone that the
24 campaign had hired to assist with getting the vote
25 out in a variety of ways.

1 Q. Were you aware of that at the time
2 or ---

3 A. Yes.

4 Q. Did Landon tell you that?

5 A. Yes. I was fully aware of that. That
6 was no secret.

7 Q. So the process of getting the cash --
8 did you take cash from your home or how did you
9 obtain the cash?

10 A. It was personal cash that I had.

11 Q. Did you withdraw it from a bank?

12 A. I don't recall if I did or didn't or --
13 I'm not sure. I -- I -- I don't recall that.

14 Q. Would there be any documentation of the
15 presentation of cash on your end? In terms, did
16 you keep any receipts or pull anything from a bank
17 deposit?

18 A. I -- like I said. I don't -- I don't
19 recall.

20 Q. When you went to a -- can you tell me
21 about how you gave it to McCrae?

22 A. With my hand.

23 Q. You know what I mean.

24 MR. BRIAN: Actually, I don't know
25 what you mean.

1 THE WITNESS: How did I give it to
2 him? He -- he was -- he had been made aware to
3 come see me. Apparently he had a conversation
4 with -- with Landon and he was made aware that he
5 needed to come see me. Landon had already called
6 me and asked me to give it to him, so I knew that
7 that was what was going to happen and apparently
8 he must have had a conversation with -- with
9 McCrae and told him to come see me, that I would
10 give him the cash.

11 Q. Where did he come see you?

12 A. You know, I'm not a hundred percent sure
13 about the answer to that question. I don't re --
14 it was in Dublin. That's about as specific as I
15 can say. I'm pretty sure it was in Dublin.

16 Q. Was anyone else present when the cash
17 exchanged occurred?

18 A. I don't recall that, no.

19 Q. I mean, how long was the process of you
20 giving the cash to him? I mean, did y'all talk or
21 did you hang out?

22 A. I'm sure we had some pleasantries
23 exchanged. All I know is that he was -- he was
24 running -- he was working for their campaign
25 heavily and doing what he was doing and I was

1 aware that he was doing that stuff for the
2 campaign. I was aware that he was working for the
3 campaign and if that's what his campaign mana --
4 if that's what the campaign manager asked me to do
5 after we'd agreed that that's what would happen,
6 that's -- that's what I did.

7 Q. Can you talk to me now about the second
8 conversation -- second contribution and how that
9 came about? Did Landon contact you?

10 A. He did.

11 Q. Okay. The discovery responses mentions
12 later. Were you able to look at your phone
13 records and ascertain when that occurred?

14 A. That occurred -- that occurred on
15 October 23rd at 9:24 a.m. in the morning.

16 Q. And how long was that conversation?

17 A. It was very brief. It was -- it was
18 basically, you know, do you -- would you
19 contribute another -- at the time it was \$900 --
20 would you contribute \$900? We're going into early
21 voting. We're -- you know, our internal polling
22 shows us neck and neck and we need this -- we need
23 this money to continue. McCrae -- McCrae needs
24 money and we -- and he -- he needs it to continue
25 his operation, basically.

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1 So he asked me to contribute an
2 additional \$900.
3 Q. Was there anyone else on the call other
4 than you to your knowledge?
5 A. Not to my knowledge. It was a very
6 brief conversation.
7 Q. What happened after that?
8 A. A similar scenario that happened the
9 initial time.
10 Q. And what is that?
11 A. That McCrae apparently had a
12 conversation with Landon. Landon told him that he
13 needed to come -- that he had spoke with me or
14 whatever, that I was contributing an extra \$900.
15 McCrae came, I gave him \$900.
16 Q. How did it end up being \$1800?
17 A. There was two \$900 contributions. The
18 second one occurred -- I'll have to look at the
19 calendar -- I'm still waiting the phone records
20 for that particular month, but it was -- it was
21 the day before -- my understanding, it was the day
22 before a local festival called the Bees' Fest.
23 Q. Was that arranged in the same manner
24 with Landon calling you?
25 A. Yes.

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1 Q. And then McCrae coming to you to pick up
2 the contribution?
3 A. That's correct.
4 Q. Was anyone else, to your knowledge, on
5 the phone when Landon called you that day?
6 A. Not to my knowledge.
7 Q. How soon after these conversations did
8 McCrae come to pick up the cash?
9 A. I'm sure it was that same day. I don't
10 know. I'm sure it was that same day.
11 Q. Do you know whether or not you have any
12 bank records or statements reflecting a withdrawal
13 of that cash amount?
14 A. I don't recall.
15 Q. Which bank do you use?
16 A. In that time frame?
17 Q. Yeah.
18 A. I don't know. I don't use them anymore.
19 I honestly -- I've changed banks a few times. I
20 don't know -- I can't tell you what bank I was
21 using at that time. It might have been -- I don't
22 know. I'd be speculating because I've changed
23 banks a couple -- few times. I don't know what
24 bank I was using at that point ---
25 Q. That's okay.

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1 A. --- for my personal account.
2 Q. These are not paid out of business
3 accounts?
4 A. No.
5 Q. Were you and Holly present during the
6 execution of the search warrants on May 29th,
7 2015?
8 A. No.
9 Q. Where were you?
10 A. Let's see. I think we were both in
11 Cumberland County.
12 Q. What were you doing in Cumberland County
13 that day?
14 A. I'm not sure -- she'll have to ask
15 you -- you'll have to -- we weren't together. She
16 might have been getting her hair done or some -- I
17 don't know. I can't remember what she was doing.
18 I was -- I had stopped at McDonalds I
19 think in Grays Creek and was eating.
20 Q. Is that the only reason you went to
21 Cumberland that day was to go to McDonalds?
22 A. I went to the grocery store -- I had
23 plans to go to the grocery store.
24 Q. Can -- can you just walk me through your
25 activities that day, specifically from ten A.M. to

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1 five P.M.?
2 A. I left the house that morning, headed to
3 Fayetteville.
4 Q. What were you going to do in
5 Fayetteville? And that is Cumberland County,
6 correct?
7 A. Yeah. You know, I don't remember what
8 exactly I had planned to do that day to be honest
9 with you. I'd be speculating. I just know I was
10 headed to Fayetteville. I do a variety of normal
11 things in Fayetteville that everybody else does,
12 so I don't know what my reasoning was. It might
13 have been getting a part or something like that.
14 Q. Would this be a part for a car or a part
15 for a business component?
16 A. I'm -- I would be -- Patrick, I would be
17 a hundred percent speculating. I'm just saying
18 that that's one of the many reasons why I go to
19 Fayetteville is to get computer parts, car parts.
20 I don't want to speculate. You don't want me to
21 speculate either, so...
22 Q. How did you learn about the searches
23 being executed?
24 A. I had a couple phone calls. And I think
25 Holly was one of them actually. She -- like I

<p style="text-align: right;">Page 154</p> <p>1 voting precinct. Of course, I had already given 2 my support in a lot of other ways and so I agreed 3 to do so.</p> <p>4 So I used my tent, my tables, my chairs 5 and several people that -- that I know and we -- 6 Sheriff McVicker's wife was gracious enough to 7 come by and give all of us, including one that I - 8 - that I received -- a t-shirt for his campaign, 9 all the literature was provided to us. So the -- 10 and she subsequently, a couple times during that 11 early voting week, brought lunch, water. She was 12 making sure that we had the attire that we needed 13 and on some occasions were fed and had plenty of 14 water.</p> <p>15 I personally talked to McVicker, which 16 he's already testified to at the -- at that voting 17 precinct. He thanked me for helping at that 18 precinct and doing the things that I was doing for 19 his campaign. No problems at all at that time. 20 He was fully aware of that -- like I said, his 21 wife was apparently in charge of the t-shirts in 22 general.</p> <p>23 So -- so yeah. I hope that answers your 24 question. So we -- so basically -- and I ended up 25 having to -- those people had to be paid that</p>	<p style="text-align: right;">Page 156</p> <p>1 came from. If it was his superior or subordinate. 2 I don't know. But as far as -- I don't know 3 Deputy Deaver personally. He's admitted not 4 knowing me personally. So based on that, I don't 5 think that Deputy Deaver personally has an issue 6 with me. I think he was follow -- he obviously -- 7 I don't think -- he obviously was following 8 instructions from his superiors.</p> <p>9 Q. So we're now going to transition to the 10 post-search events and kind of what happened after 11 that sequence of events. So after you turned 12 yourself in what were your -- let me -- let me go 13 back to that. On the day of May 29th, can you 14 tell me about any conversations that you had with 15 Scott Long?</p> <p>16 A. On the day of the raid?</p> <p>17 Q. Uh-huh (yes).</p> <p>18 A. I'm not sure that I -- if I did have any 19 conversations on that day -- I'm not a hundred 20 percent sure. I had talked to him at some point 21 after the raid. Whether they were on the 29th, I 22 don't recall.</p> <p>23 Q. Okay.</p> <p>24 A. They could have been. They may not have 25 been. I just don't -- I'm not going to try to put</p>
<p style="text-align: right;">Page 155</p> <p>1 worked there and he was aware of that. So his 2 campaign was aware of that.</p> <p>3 Q. This is fast-forwarding back to the 4 execution of the search. We've already talked a 5 little bit about Deputy Deaver and his role in the 6 search. Do you believe that he has any personal 7 animosity towards you or do you have any reason to 8 believe why he would?</p> <p>9 A. I believe that he received some 10 instruction within the sheriff's department to do 11 the damage that he did. Where that instruction 12 came from, we have not apparently deposed that 13 person yet, but I think he was following orders 14 and those orders came from the top, which was 15 McVicker, trickled down through his hierarchy of 16 commanders and chiefs and majors and captains.</p> <p>17 Q. Do you believe he -- Deputy Deaver, or 18 Corporal Deaver now, has any reason to have 19 personal animosity or do you know of any reason 20 why he would have something personally against 21 you?</p> <p>22 A. I think he -- he -- he admitted and he 23 was not doing -- his action's were not based on 24 rouge actions. I think he was instructed to do 25 what he did. I'm not sure who that instruction</p>	<p style="text-align: right;">Page 157</p> <p>1 a time on exactly when my conversations -- 2 conversation with him occurred.</p> <p>3 Q. What was the content of that 4 conversation when it did occur?</p> <p>5 A. There was some -- try to recall his 6 conversations -- the conver -- the next 7 conversation that I can clearly talk on that I 8 recall would be that he was -- when we had the 9 electrical fire that was a byproduct of the manner 10 -- manner in which they took the LED lights off 11 the building. He was at the location there before 12 I got there with the fire marshall and we 13 discussed what we were looking -- you know, 14 everything that as going on with that.</p> <p>15 Q. We'll get to that in a second.</p> <p>16 A. Okay. Well, that -- the conversation 17 prior to that, I'm not -- I don't necessarily 18 recall it and I'm not going to speculate on what 19 was said or not said.</p> <p>20 Q. You mentioned a few people or multiple 21 people who called you the day of the raid, and so 22 I was just trying to figure out who some of those 23 people were. Was Robert Britt one of those 24 people?</p> <p>25 A. He could have been. I really ---</p>

1 Q. If you don't recall, it's fine.
 2 A. Yeah.
 3 Q. What about Billy Jackson?
 4 A. I'm sure I spoke to Billy that day.
 5 Q. Okay. And how are you sure of that?
 6 A. Because Billy was -- Billy was one for
 7 the folk that were working across the street that
 8 observed all those things and I -- I speak to
 9 Billy often on a daily basis. So I'm sure I spoke
 10 to him at some point during that day. And I think
 11 he may have called me, too. He may not have been
 12 the first person to call me. I think probably
 13 Holly was, but I think he was one of the people
 14 that maybe called me that morning and let me know
 15 that he didn't know what was going on, but there
 16 was a bunch of officers at -- at the Big Aladdin,
 17 Small Aladdin.
 18 Q. This is a little awkward because Holly's
 19 in the room, but I'm going to ask you and only you
 20 can answer. But did Holly relate to you how she
 21 found out about the execution of the search
 22 warrants?
 23 A. I don't recall.
 24 Q. So did -- on your way back to Bladen
 25 County and to your attorney's office, did you

1 drive by the Big and Little Aladdin?
 2 A. No.
 3 Q. Did you instruct anyone else to go to
 4 Big and Little Aladdin after the search warrants
 5 had been executed?
 6 A. Not that I recall. I mean, if I did,
 7 I'm not recalling it.
 8 Q. After you turned yourself in, what did
 9 you do? Like, after you get released and to
 10 through that whole process and everything, what
 11 were your actions after that?
 12 A. I think I had -- went over to my
 13 attorney's office and we had some conversations
 14 about the events that day.
 15 Q. Okay. Did you that evening go to Big or
 16 Little Aladdin?
 17 A. Yes.
 18 Q. Who went with you?
 19 A. My wife, Holly.
 20 Q. Was anyone else there?
 21 A. I'm not recalling anybody at the time.
 22 Q. What did you do that evening when you
 23 arrived there?
 24 A. Well, before I arrived there I made sure
 25 I brought my -- I brought -- I had my phone and

1 stuff with me and I took video.
 2 Q. Those are the videos being ---
 3 A. Those are the videos before I even --
 4 yes. Yes. Some of the videos -- some of the
 5 videos I may have took the following day. I'm
 6 sure I did some of the video when I get there that
 7 day. I have to go back and look at it. Anyhow, I
 8 just basically surveyed the -- the damage.
 9 Q. Were you able to go inside?
 10 A. Yes.
 11 Q. How long did you stay inside?
 12 A. I don't know, maybe 15, 20 minutes. I'm
 13 just guessing.
 14 Q. Other than the videos, how many pictures
 15 did you take, if any?
 16 A. I don't know the specific count. I have
 17 provided you guys some pictures that I took.
 18 There are probably between ten and 20, I'm
 19 thinking.
 20 Q. Did you give any instructions after
 21 getting on scene for -- for other people to come
 22 and check it out?
 23 A. On the 29th?
 24 Q. Yeah.
 25 A. I don't recall doing that.

1 Q. Was the power on when you got there on
 2 the 29th?
 3 A. Yes.
 4 Q. Okay. How were you able to turn it on?
 5 A. Lights.
 6 Q. What time was it that evening when you
 7 got there?
 8 A. Shortly after six -- sometime after six
 9 o'clock.
 10 Q. Was the power on to the entire building?
 11 A. Yes.
 12 Q. Are you aware of anybody gaining access
 13 to the buildings between you -- your arrival and
 14 the sheriff's departure?
 15 A. No one -- no one would have gained
 16 access.
 17 Q. And why is that?
 18 A. Well, because based on the time lines
 19 that's already been discussed in depositions, the
 20 sheriff's department was still securing the scene
 21 and had crime tape around the scene until
 22 approximately 5:30. I got there just a few
 23 minutes after six, so they couldn't have been gone
 24 but a handful of minutes. And I hadn't had any
 25 conversations with nobody and when I got there it

1 was a ghost town. I don't think nobody wanted to
2 come near the crime scene tape that was still
3 strung up around the building.

4 So I'm certain that that's -- I was the
5 first one -- Holly and I were the first ones on
6 site.

7 Q. Were you aware of -- how were you made
8 aware of the press conference that occurred that
9 day?

10 A. How was I made aware of the press
11 conference? I don't know that I was aware that it
12 happened that day on the 29th. I was made aware
13 of it obviously, but I don't -- I'm not going to
14 say for sure that I was aware of it that day. I
15 became aware of it, but I don't know that I was
16 aware of it that day when it occurred.

17 I did happen to see McVicker walking
18 across the street at some point. I think it
19 was -- yeah. It was before -- it was -- when I
20 got there he was walking across the street. And
21 from my recollection of what he was wearing during
22 the press conference that's what he was wearing
23 when he was walking across the street. Kind of
24 like a sweater vest and kind of like what I've got
25 on.

1 Q. Was he wearing a sheriff's hat?

2 A. I don't recall a hat. And there might
3 have -- you know, now that I think about it, there
4 may have been some mentioning between when I
5 turned myself in in Alan's office that there was a
6 press conference that he was at or that he was
7 going to. That may have been something that
8 Hakeem -- I can't recall exactly. It's very
9 vague.

10 Q. After -- from the execution of the
11 search warrants until Sheriff McVicker's
12 deposition, did y'all have any interactions?

13 A. Sheriff McVicker and I?

14 Q. Yeah.

15 A. I think we may have crossed paths in the
16 courthouse once to twice, no lang -- no verbal
17 interaction that I'm aware of that I can recall.

18 Q. What about Deaver?

19 A. First time I seen Deaver was -- since
20 this happened was in our deposition the other day.
21 I'd seen him prior to that, but I hadn't seen him
22 during our entire -- that I recall.

23 Q. How did you -- when you got to the
24 stores, did you -- were they locked or how did you
25 gain access?

1 A. I have a key.

2 Q. Okay. Does anyone else have a key?

3 A. They confiscated the keys from my two
4 employees that were there that day. Billy has a
5 key. I've had him do some work for me, but he
6 wasn't there that day. And other than Billy,
7 those two keys that were confiscated and my key --
8 if there's another key out there I'm not -- I'm
9 not the one to answer that question. That would
10 be something that Holly would have given a key to
11 another person, but I don't -- I don't think there
12 were any other's out there.

13 Q. I just want to clarify what you mean by
14 Billy wasn't there that day. Where was Billy that
15 day?

16 A. He -- he wasn't -- he was not at the Big
17 Aladdin from the time the crime scene tape came up
18 until it came down, and I'm almost certain that
19 the crime scene tape was still up whenever I came
20 back. So -- and he -- he would never -- unless --
21 unless I asked him to go do something like that,
22 he would never go in the building. So it's just
23 not -- he's not going to do -- especially after I
24 hadn't even been there. He's not going to go
25 there before I get there. And I know that the

1 crime scene tape was up and the -- the deputies --
2 according to their crime log were there until 5:30
3 and I got there shortly afterwards.

4 Q. Where was he working that day?

5 A. He was at the -- he was at a -- a unit
6 adjacent to the Little Aladdin.

7 Q. Was that across the street from Big
8 Aladdin?

9 A. Yes.

10 Q. Did you ever talk to Billy about
11 potentially repairing the alleged damaged?

12 A. Some of it.

13 Q. When did those conversations occur?

14 A. I don't -- I don't know. I mean,
15 sometime after.

16 Q. Did he, in fact, perform that work?

17 A. I had him do some things, yes.

18 Q. Such as?

19 A. Such as -- the officers were so kind
20 enough as to cut the water line to my ice machine
21 and he discovered that and I asked him to repair
22 that and he repaired the water line. He had
23 replaced a portion of the water line where they
24 had cut it. That's an example.

25 Q. When did he discover that?

1 A. I don't know the exact date. It was
2 after the raid had occurred, but I don't know the
3 exact date. But it was in continuous use and
4 operation while he installed the water line to it.
5 We went to turn the ice maker on and use it and
6 that's when it was discovered when the water was
7 turned on that the line had been cut.

8 Q. What was in continuous operation? You
9 testified something was in continuous operation.

10 A. The -- the ice machine wasn't working at
11 the time -- I mean, we weren't using the ice
12 machine at the time but it -- prior to that had
13 been in operation. We had stopped using the ice
14 machine and cut the water off to it.

15 We were going to start using it and
16 check it out -- you know, I was going to
17 potentially move it somewhere else and start using
18 it or whatever. So we needed to -- he discovered
19 that the water line had been cut. So when he
20 discovered it had been cut, he informed me of it.
21 I asked him to repair and he repaired it.

22 And at the time there had been no access
23 to the building. This was after the raid. The
24 business was obviously closed down. It was in
25 disarray.

1 attorney don't tell me that. But can you tell me
2 what ---

3 A. What that reason was?

4 Q. Yes.

5 A. Well, I was already aware that a
6 helicopter had been -- been there. I was aware
7 that they were doing maximum things to create
8 publicity and the last thing -- and I was aware
9 that news media was there. The last thing that I
10 wanted to give gratification to the sheriff was
11 for them to get a picture of me in handcuffs and I
12 wasn't going to give him that gratification, so I
13 didn't go by there.

14 Q. What news media was there?

15 A. One of the -- one for the TV stations --
16 don't hold me to this. I might have -- I think
17 it's Channel 6 out of Wilmington, I believe. I
18 know it was a TV station, and based on -- Bladen
19 Online was there, which is an online newspaper and
20 the Bladen Journal was there.

21 Q. What was Billy Jackson doing at Big
22 Aladdin on the day that he discovered the
23 smoldering?

24 A. I ---

25 MR. BRIAN: Objection to the term

1 Q. You testified that the -- you believe
2 the crime scene tape was still up when you first
3 accessed the site. Did the sheriff's office give
4 you their blessing to, like, "Hey, you can go on
5 scene"?

6 A. Well, there was no one there.

7 Q. I just wondered if there was any
8 conversations about that, like, during the process
9 of you turning the ---

10 A. They -- they had -- they had left. I
11 mean, they hadn't been gone long according to
12 their crime log, but I didn't seek permission to
13 go in my building.

14 Q. Were you aware that they had already
15 left when you headed over?

16 A. No. When I left Elizabethtown, which is
17 when I turned myself in at, I didn't know if they
18 -- I didn't know -- I was going to the building at
19 that point. I didn't know if they were still
20 there or not.

21 Q. Was there a reason that you didn't go to
22 the -- the site of the search warrants while they
23 were being executed?

24 A. Yes.

25 Q. And if it involves the advice of an

1 smoldering.

2 THE WITNESS: You mean the fire or
3 the ---

4 Q. (Mr. Spaugh) The incident involving
5 fire, smoldering, whatever you want to call it,
6 that occurred.

7 A. Okay. That was on Monday morning, so
8 the raid occurred on the 29th -- was that a
9 Thursday or Friday ---

10 Q. Friday.

11 A. Friday. I had -- I was in Elizabethtown
12 early that morning -- real early that morning.
13 Billy was -- they were -- Billy and Scott were
14 commencing to go back to work where they left off
15 that Friday. I called up Billy and asked him to
16 walk over to the Big Aladdin and just kind of see
17 what he thought about the damage, just -- I
18 mean -- I said see what he thought to just survey
19 the situation over there to see what we were going
20 to need to do. And he was complying with my
21 request to go -- to leave over there where he was
22 at to walk across the street.

23 Q. Okay. And so you called him that
24 morning after he was already there at the ---

25 A. Yeah. I knew they were going to get

1 there around eight or eight-thirty, somewhere
2 around there, so I called him and said, Hey, when
3 you come in, I want you to walk across the street,
4 go in and just check and make sure everything, you
5 know -- see what you think. See what we're going
6 to have to do, you know. I've got some clean up
7 if nothing else, you know.

8 Q. What was the next you heard from Billy?

9 A. The next thing I heard from Billy? So
10 sometime after that call where I asked him to go
11 over there, he called me from inside the building
12 and said that -- that, "Hey, when I was coming
13 into the building, I seen the" -- through the
14 windows he could see the entire room filled with
15 smoke. He said, "I came in." He said, "Something
16 was on fire, I didn't know exactly where it was
17 coming from because the building was full of smoke
18 and I killed the breakers." That was the first
19 thing he did.

20 And after the killed the breakers he
21 picked up the phone and called me and was telling
22 me that there was smoke -- and at the time he had
23 not discovered exactly where the source of the
24 smoke was coming from because the room was still
25 smokey. He had opened the doors to let some of

1 there was still smoldering coming from the area --
2 the bigger plume of smoke -- we had opened the
3 doors and the bigger plume of smoke had got out of
4 the building, but I could see and the fire
5 marshall could see the remnants of the smoke and
6 where it was coming from.

7 Q. Was Billy able to determine or was the
8 fire marshall -- did he relate to you how long he
9 believed that the smoldering or fire had occurred?

10 A. He said electrical fires can sometimes
11 take two or three days before they manifest or
12 longer. It just -- it just depended on the
13 individual situation, but that electrical fires
14 could take, you know, any length of time before
15 they manifested into a fire.

16 He also stated that had we been an hour
17 or more later than when we had discovered it that,
18 in his opinion, the building would have been burnt
19 to the ground because it was fat lighter and that
20 we would have no way of determining the source for
21 the fire like we were able to determine when he
22 got there.

23 So I feel very fortunate that the
24 building is standing right now based on Billy
25 getting there as early as he did.

1 the smoke out and I told him that I was, you know
2 -- that I'd call him right back. I was calling
3 the fire marshall.

4 And so I called the fire marshall's
5 office, I think -- I don't know if I called
6 them -- called them first and I think they gave me
7 Kenneth's number. And so I called Kenneth up and
8 told him -- asked him if he would come out to the
9 location in Dublin, that I wanted him to -- to
10 review what was going on there. He said, "I'll be
11 right there." He was there before I -- I don't
12 know exactly where he was at, but when I got back
13 to Dublin, he was already there when I -- when I
14 arrived.

15 Q. How was the fire or smoldering put out?

16 A. You'd have to ask Billy that.

17 Q. Did Billy put it out?

18 A. He killed he breaker and I'm assuming he
19 -- yes. I'm assuming he did. I'm assuming that
20 he did -- you'll have to ask him that.

21 Q. So it's your understanding that it was
22 out before the fire marshall arrived?

23 A. I don't know if it was completely out.
24 Maybe it was -- we'll use the smoldering at this
25 point. It was -- it was -- when I got there,

1 Q. Did anyone go to Big or Little Aladdin
2 over the weekend in the time between the execution
3 of the search warrant and Billy on Monday morning?

4 A. I think I took some pictures the -- the
5 next day. I think maybe most of those were
6 external, you know, outside the building, the next
7 day, but no. I don't -- there was no one else.
8 Bil -- Billy's first time to that building after
9 the search warrant -- and he would -- I'm sure he
10 would tell you this for sure, but I'm pos -- I'm
11 pretty much a hundred percent sure the first time
12 that he came to that building after the search
13 warrant was when I asked him to go -- to go over
14 there that Monday morning. And no one else had a
15 key to it.

16 Q. All right. We're going to fast forward
17 to the events after the filing of the complaint.
18 Can you tell me about anything communications
19 you've had with Robert Britt regarding this
20 complaint and this lawsuit?

21 A. Regarding this lawsuit? I think he
22 might be aware that we filed one. He probably
23 doesn't know the details of it or what it
24 involves. And I think we briefly just, you know,
25 discussed what he seen that day, who he seen and

<p style="text-align: right;">Page 210</p> <p>1 Q. --- days?</p> <p>2 A. Not very long, probably a month or less.</p> <p>3 I'm just -- I'm guessing a month or less, so...</p> <p>4 Q. What's the next ---</p> <p>5 A. Electronic time punch card with time</p> <p>6 cards.</p> <p>7 Q. What did you use these for?</p> <p>8 A. This time punch was just a time clock</p> <p>9 that employees used to punch their time in.</p> <p>10 Q. Have -- have you always had the -- or</p> <p>11 has Aladdin always had the time punch mechanism or</p> <p>12 did you all transition to that recently?</p> <p>13 A. You know, I think we -- we've -- I think</p> <p>14 this may have been another one of those</p> <p>15 transferred assets from a prior business</p> <p>16 somewhere.</p> <p>17 Q. What's next?</p> <p>18 A. One small safe.</p> <p>19 Q. What was the small safe used for in Big</p> <p>20 Aladdin?</p> <p>21 A. Actually I'm not sure it was being used</p> <p>22 for anything at that time. Initially it probably</p> <p>23 was being used for startup amount or something</p> <p>24 like that that we -- attendants would store</p> <p>25 they're startup in over night but I -- I -- we had</p>	<p style="text-align: right;">Page 212</p> <p>1 general equipment.</p> <p>2 A. There was -- there was some equipment in</p> <p>3 cabinets that had some key openings with it but</p> <p>4 those keys were stored in a safe that was not</p> <p>5 seized. So I know it wasn't those keys. It was</p> <p>6 just -- I'm pretty sure these were keys associated</p> <p>7 with equipment that was no longer in use from a</p> <p>8 previous business.</p> <p>9 Q. What's next?</p> <p>10 A. ATM machine.</p> <p>11 Q. Was this ATM machine used through the</p> <p>12 same company as the one at Little Aladdin ---</p> <p>13 A. No, this ---</p> <p>14 Q. --- license?</p> <p>15 A. --- ATM machine was purchased before</p> <p>16 Cybernet ever existed.</p> <p>17 Q. Was it used in the same way in which the</p> <p>18 one in Little Aladdin machines ---</p> <p>19 A. It was used ---</p> <p>20 Q. --- was used?</p> <p>21 A. --- for anyone that wanted to walk in</p> <p>22 the -- obtain cash from an account, could do so.</p> <p>23 Q. Was it stocked by the ATM company or by</p> <p>24 Big Aladdin?</p> <p>25 A. It was -- we stocked -- I stocked it.</p>
<p style="text-align: right;">Page 211</p> <p>1 a break-in in that business, and I think we ceased</p> <p>2 using that or whatever because we didn't have it</p> <p>3 secured down.</p> <p>4 Q. Okay. What's next?</p> <p>5 A. A bag of miscellaneous keys.</p> <p>6 Q. Do you know what ---</p> <p>7 A. Two of them.</p> <p>8 Q. --- these keys go to?</p> <p>9 A. Well, I could tell you what they don't</p> <p>10 go to. The -- the items listed to be seized says</p> <p>11 that they can seize keys that allow them access to</p> <p>12 the domain, I think was the word used on there.</p> <p>13 These keys would have not allowed access to</p> <p>14 anything. These would have been -- these would</p> <p>15 have been keys associated with -- I mean they were</p> <p>16 -- I'd have to look at them. I could tell you.</p> <p>17 They're -- I think they were probably keys</p> <p>18 associated with equipment that was no longer</p> <p>19 there. That's what I think these are. That was</p> <p>20 not there at the -- at the time for a previous</p> <p>21 business.</p> <p>22 Q. Did any equipment at Big Aladdin require</p> <p>23 a key?</p> <p>24 A. Did any equipment require a key?</p> <p>25 Q. Not referencing means of entry, just</p>	<p style="text-align: right;">Page 213</p> <p>1 However, it was not something necessarily</p> <p>2 associated with Big Aladdin.</p> <p>3 Q. What's next?</p> <p>4 A. Air wireless units.</p> <p>5 Q. What are those?</p> <p>6 A. Those are my -- and there's actually</p> <p>7 three of those. They've got that miscalculated</p> <p>8 there. Those are my air conditioner control</p> <p>9 units. I had brand new air conditioner units</p> <p>10 installed in the building. There was three of</p> <p>11 them, and they were, what they call, split units</p> <p>12 and they were -- the entire control portion as</p> <p>13 opposed to something you might would see on a wall</p> <p>14 or a control with these remote controls.</p> <p>15 So if you don't have the remote</p> <p>16 controls, you can't turn the air conditioner on or</p> <p>17 off or set the temperatures, hot, cold, whatever</p> <p>18 you needed to do.</p> <p>19 Q. What's next?</p> <p>20 A. Three TVs.</p> <p>21 Q. Was their use the same as those</p> <p>22 identified in Little Aladdin?</p> <p>23 A. For various purposes including standard</p> <p>24 cable television, which I've demonstrated in a</p> <p>25 video for you guys.</p>

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1 up the last time.
2 Q. What's next?
3 A. Unopened Tiger Direct boxes.
4 Q. Okay. Do you know what was in these
5 Tiger Direct -- or what is Tiger Direct?
6 A. Tiger Direct is a -- an e-commerce site.
7 Q. And what are some of the things that
8 were purchased from Tiger Direct for use at Big
9 Aladdin?
10 A. These -- these boxes, none of -- none of
11 the boxes that they seized were purchased for Big
12 Aladdin.
13 Q. What were they purchased for?
14 A. They were purchased for Crazie Overstock
15 Promotions, LLC. They did not have the Big
16 Aladdin address on them. The UPS driver for some
17 reason dropped these off at that location probably
18 because they had to be signed for and they were
19 not -- the address they were addressed to was not
20 -- nobody was there to sign for them so they just
21 dropped them off there. So they had nothing to do
22 with -- with the business whatsoever.
23 Q. Would they have been used at Little
24 Aladdin then or ---
25 A. No.

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1 Q. Okay.
2 A. Little Aladdin was already intact.
3 Every -- well, there was nothing that I would have
4 bought that I would have added -- that I would
5 have gotten from Tiger Direct to Little Aladdin.
6 Q. What was going to be their use for
7 Crazie Overstock?
8 MR. BRIAN: Objection, beyond the
9 scope of discovery.
10 MR. SPAUGH: You can answer.
11 THE WITNESS: These were parts and
12 these would be used to -- to -- I think this
13 particular order would have been for point-of-sale
14 systems. So I would have -- I would have made
15 point-of-sale systems with these parts.
16 Q. (Mr. Spaugh) Where would those
17 point-of-sale systems -- would those -- would
18 those point-of-sale systems subsequently be
19 implemented at Big Aladdin?
20 A. No.
21 Q. Anything on the back?
22 A. Neon sign.
23 Q. Okay. What did this neon sign say?
24 A. Open.
25 Q. Now, same thing that we did for the last

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1 one. I think we've already discussed some things
2 today so I'll lead off here, do you believe that
3 LED lighting should have been included on this
4 list? Or ---
5 A. Do I believe that this ---
6 Q. Well, let me -- let me at ---
7 A. Okay.
8 Q. --- least change that line.
9 A. Sure.
10 Q. What was the LED lighting used for at
11 Big Aladdin?
12 A. LED lighting was installed prior to
13 Cybernet, LLC going into business there. It was
14 used to attract attention to the business to
15 whatever business happened to be there at the
16 time. It was put in there when -- when Cybernet,
17 LLC didn't have the business at the time.
18 Q. What was the first business, if you're
19 aware, that it was used for?
20 A. It was -- it was ---
21 MR. BRIAN: I'm going to object to
22 the question as being beyond the scope of
23 discovery.
24 MR. SPAUGH: You can answer.
25 THE WITNESS: What -- well ---

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1 MR. SPAUGH: You can answer.
2 THE WITNESS: --- repeat your
3 question.
4 Q. (Mr. Spaugh) So you mentioned -- and
5 part of the reason I ask this is because there's
6 Cybernet and then there's Cybernet, LLC on... Was
7 -- were these installed prior to the original
8 Cybernet?
9 A. Right, the -- the business that was
10 there prior to the original Cybernet was not
11 Cybernet.
12 Q. Okay.
13 A. It was a completely different business
14 called Sip'n Serve. Cybernet was not at that
15 location until it was opened in ---
16 Q. That's fine. Have you been able to --
17 how many individual bulbs were damaged?
18 A. How many individual bulbs were damaged?
19 You're talking a lot of -- of lighting. I -- I
20 have not examined every bulb. The best way to
21 examine them would be to power them up. And the
22 power supply that -- that is a proprietary power
23 supply for that lighting system was burnt up in
24 the fire. And so there's no way to power -- I --
25 I currently -- yes, I could replace that power

1 mean, I'll -- I'll just -- I like the town. Like
2 the city. I thought it was really cool.

3 And why it was at Big Aladdin was
4 exactly why I said. It was there for -- to block
5 sunrays primarily and secondly I had -- it was a
6 -- something I'd rather be using than it sitting
7 in a corner collecting dust. It was an expensive
8 -- an expensive piece.

9 Q. Was it used in any way to attract
10 customers?

11 A. You know, I -- I don't know if customers
12 paid attention to it or not. That was not its
13 primary purpose but I'm sure that it had some
14 helpful advertising aspect to some customers, but
15 I don't know if it did or not.

16 Q. All right. So other than those things
17 that we just discussed, is there anything else
18 that I'm missing that you believe was damaged at
19 Big Aladdin, not structural damage?

20 A. Yes.

21 Q. Okay. What -- what are those?

22 A. If you'd like to go through the
23 complaint of each individual item, I'll be happy
24 to go over those with you. I specified them in my
25 complaint.

1 Q. Okay.

2 A. And if you would like to reference the
3 complaint, that would save time.

4 MR. BRIAN: Patrick, are you asking
5 him about personal property inside the thing or
6 are you asking him about the damaged to the
7 building?

8 MR. SPAUGH: I'm asking about
9 personal property.

10 MR. BRIAN: In addition to what was
11 in the complaint?

12 MR. SPAUGH: You know, to be
13 certain that something that hasn't been specified
14 this far. I mean, I think we've touched on most
15 of the things that were in the complaint. I --
16 I'm -- with the table --

17 MR. BRIAN: We haven't talked about
18 that today but right.

19 MR. SPAUGH: But I -- I don't need
20 to talk about that today.

21 MR. BRIAN: Right.

22 THE WITNESS: There are things --
23 if I'll interject. There are things missing that
24 they seized that's not on this list that -- that I
25 think was unprofessional for them not to list as

1 Captain Tyler indicated.

2 Q. (Mr. Spaugh) And -- and what are those
3 things that we have not talked about at all today?

4 A. That's not on this list?

5 Q. That's not on the list.

6 A. But they seized. I'm not stating they
7 were damaged.

8 Q. Yes.

9 A. I'm just saying that it was seized.

10 Q. Yeah.

11 A. They seized an ordinary wall clock.

12 Q. Okay. Well, what was that clock used
13 for?

14 A. Time.

15 Q. For the customers or for the employees?

16 A. You know, I'd -- I'm -- I'd be
17 speculating on that answer.

18 Q. Was it out in the open or was it in the
19 back office?

20 A. It was...

21 Q. I told you I was going to have to ask --
22 ask you some obvious questions today. Anything
23 else?

24 A. I think the -- the ISP modem at Big
25 Aladdin was also seized.

1 Q. I assume it had the same use as the one
2 at Little Aladdin?

3 A. That's correct. And I think that -- I
4 think we've touched on everything else other than
5 just an inclusion on what's in the complaint.

6 Q. The complaint references, you know, gun
7 permits and potential revocation of those. but
8 were your gun permits ever revoked by the Bladen
9 County Sheriff's Office?

10 A. They did come -- they did come to our
11 house and they did take our permits from us from
12 the house. I don't know if that was officially
13 entered into the North Carolina system or how that
14 was done, but we -- officers came to our house and
15 took our gun permits, yes.

16 Q. And did you -- were they returned to
17 you?

18 A. After a hearing after I procured Alan to
19 assist me with -- with that, yes, they were
20 ultimately returned to us, but they were revoked
21 prior to that hearing.

22 Q. By revoked you mean removed from your
23 possession?

24 A. Removed from my possession and you're
25 required to -- if you're doing concealed weapon,